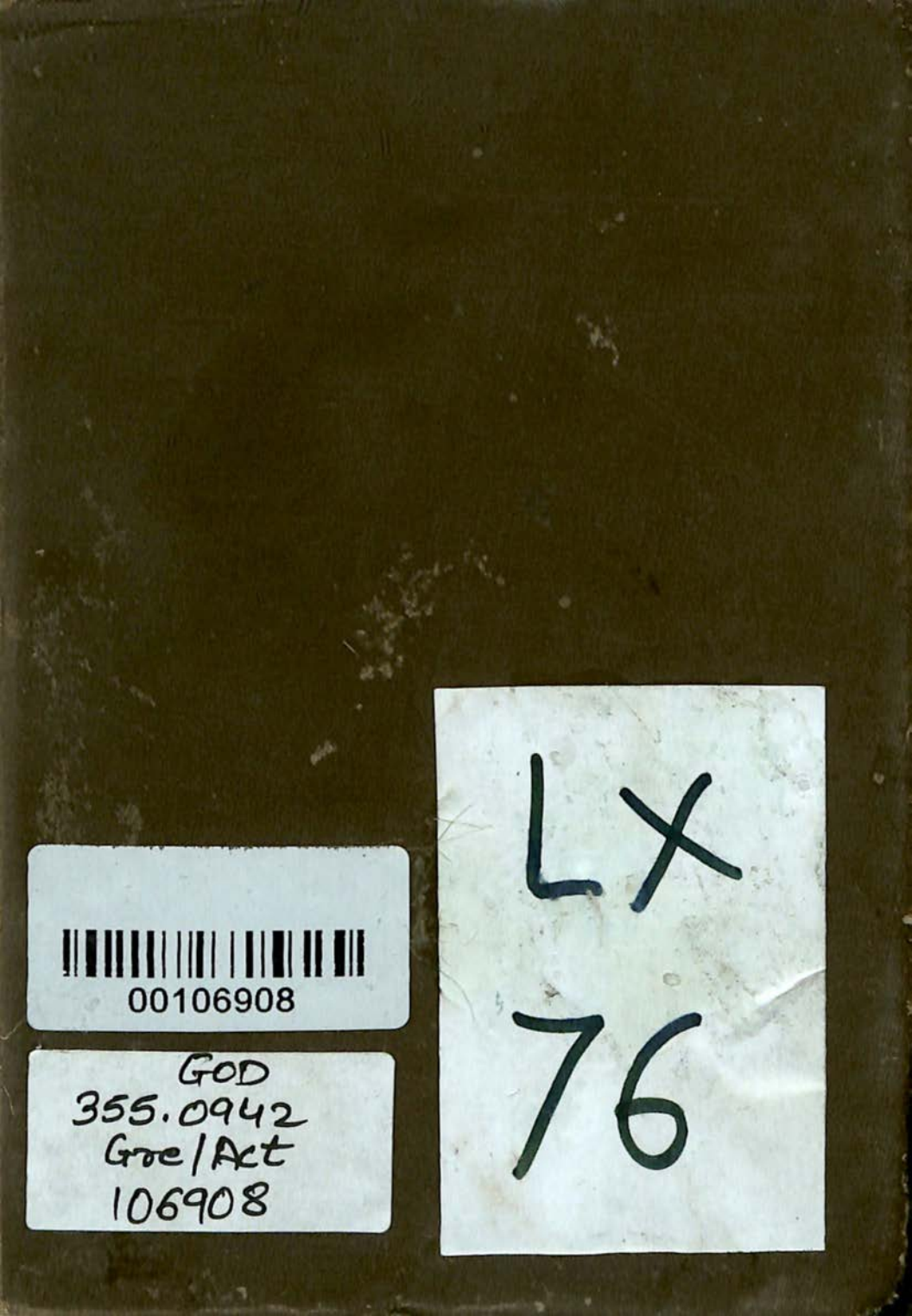
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AN ACT LXX-h.

FOR

PUNISHING MUTINY AND DESERTION, AND FOR THE BETTER PAYMENT OF THE ARMY AND THEIR QUARTERS.

[*Passed 24th April* 1873.]

106908

ALSO,

THE RAILWAYS ACT, 1844, s. 12,
THE ARMY SERVICE ACT, 1847,
THE ARMY ENLISTMENT ACTS, 1867 AND 1870,
THE REGIMENTAL DEBTS ACT, 1863,
ROYAL WARRANT AND REGULATIONS UNDER THE REGIMENTAL DEBTS ACT, 1863,
THE PENAL SERVITUDE ACT, 1864,
THE ARMY RESERVE ACT, 1867,
AND
THE MILITIA RESERVE ACT, 1867.

TOGETHER WITH

RULES AND ARTICLES OF WAR.

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1873.

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AN ACT

FOR

PUNISHING MUTINY, AND DESERTION,

AND FOR

THE BETTER PAYMENT OF THE ARMY AND THEIR QUARTERS.

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36 VICTORIA.

CHAPTER 10.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters. [24*th April* 1873.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law: —— AND whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and twenty-eight thousand nine hundred and sixty-eight men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad,

Number of men to consist of 128,968, including those employed at depôts in United Kingdom, but ex-

clusive of those actually serving in India.

but exclusive of the numbers actually serving within Her Majesty's Indian possessions: —— AND whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by judgment of his peers, and according to the known and established laws of this realm; —— yet nevertheless it being requisite, for the retaining all the beforementioned forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition or shall desert Her Majesty's service, or be guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow: —— BE it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and copies printed by the Queen's

1. IT shall be lawful for Her Majesty to make Articles of War for the better government of Her Majesty's army, which articles shall be judicially taken notice of by all judges and in all courts whatsoever; —— and copies of the same, printed by the Queen's printer, shall, as soon as may be after the same shall have been made and

established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad: —— PROVIDED that no person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishments as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act: —— PROVIDED also, that nothing in this Act contained shall in any manner prejudice or affect any Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the authority of the Government of India, respecting officers or soldiers or followers in Her Majesty's Indian army, being natives of India; and on the trial of all offences committed by any such native officer or soldier or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service.

printer to be transmitted to judges, &c.

Persons subject to this Act.

2. ALL the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer, or who are or shall be listed or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service receiving pay, and all pensioners receiving allowances in respect of such service, and to persons who are or shall be hired to be employed in the royal artillery, royal engineers, and to master gunners, and to conductors of stores, and to the corps of royal military surveyors and draftsmen, and to all officers and persons who are or shall be serving in the Control Department, and to officers and soldiers serving in the army hospital corps, or the army service corps, and to persons in the War Department, who are or shall be serving with any part of Her Majesty's army at home or abroad, under the command of any commissioned officer, and (subject to and in accordance with the provisions of an Act passed in the sixth and seventh years of the reign of Her present Majesty, chapter ninety-five,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who having volunteered their services for that purpose shall be kept on duty in any fort, town, or garrison, and to all civil officers who are or shall be employed by or act under the

Secretary of State for War at any of Her Majesty's establishments in the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; —— and all the provisions of this Act shall apply to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners, or pioneers, or as military surveyors or draftsmen, or in the ordnance or public works or commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces, and to all licensed sutlers, and all followers in or of any of the said forces: —— PROVIDED that nothing in this Act contained shall extend to affect any security which has been or shall be given by any officers, or their sureties, for the due performance of their respective offices, but that all such securities shall be and remain in full force and effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. THIS Act shall extend to the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and as to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also as to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed, or who shall aid in the escape of a prisoner from a military prison, or who shall introduce forbidden articles into such prison, or shall carry out any such articles, or who shall assault any officer of such prison, and also as to the provisions for exempting soldiers from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of

any debts under thirty pounds in the said islands.

Colonial and foreign troops in Her Majesty's pay to be subject to provisions of this Act.

4. ALL officers and soldiers of any troops mustered and in pay, which shall be raised and serving in any of Her Majesty's dominions abroad, or in places in possession of or occupied by Her Majesty's subjects under the command of any officer having any commission immediately from Her Majesty, shall be subject to the provisions of this Act and of Her Majesty's Articles of War, in like manner as Her Majesty's other forces are; —— and if such officers and soldiers, having been made prisoners, be sent into Great Britain or Ireland, although not allowed to serve therein, all the provisions of this Act in regard to billeting soldiers shall apply to such officers and soldiers.

Provision as to the militia or yeomanry or volunteer corps or reserve forces.

5. NOTHING in this Act contained shall be construed to extend to any militia forces or yeomanry or volunteer corps in Great Britain or Ireland, or to the reserve force provided for by "The Reserve Force Act, 1867," or to the reserve force provided for by "The Militia Reserve Act, 1867," excepting only as herein-after enacted, or where by any Act for regulating any of the said forces or corps the provisions contained in any Act for punishing mutiny and desertion are or shall be specifically made applicable to such forces or corps.

Power to constitute courts-martial.

6. FOR the purpose of bringing offenders against this Act and against the Articles of War to justice, Her Majesty may from time to time, in like manner as has been heretofore used, grant commissions under the Royal Sign Manual for the holding of courts-martial within the United Kingdom of Great Britain and Ireland, and may grant commissions or warrants under the said Royal Sign Manual to the chief governor or governors of Ireland, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of troops belonging to Her Majesty's army, as well within the United Kingdom of Great Britain and Ireland, and the British Isles, as in any of Her Majesty's garrisons and dominions or elsewhere beyond seas, for convening courts-martial, and for authorising any officer under their respective commands to convene courts-martial, as occasion may require, for the trial of offences committed by any of the forces under the command of any such last-mentioned officer, whether the same shall have been committed before or after such officer shall have taken upon him such command: —— PROVIDED that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas where a field officer is not in command, in which case a captain may be authorised to convene district or garrison courts-martial: Every officer so authorised to convene

courts-martial may confirm the sentence of any court-martial convened by him according to the terms of his warrant.

Place where offenders may be tried.

7. ANY person subject to this Act who shall, in any part of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions or in any other place whereto he may have come or where he may be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Powers of general courts-martial.

8. EVERY general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service: —— No sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein; —— no sentence of penal servitude shall be for

a period of less than five years; —— and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. EVERY district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act:—PROVIDED always, that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of regimental or detachment courts-martial.

10. A REGIMENTAL or detachment court-martial shall consist of not less than five commissioned officers, unless it is found to be impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any soldier to corporal punishment, or to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in troop ships, &c.

11. IN cases of mutiny, and insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or

troop ship, not in commission, the offender may be tried by a regimental or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental court-martial is competent to award.

Powers of detachment general courts-martial.

12. IT shall be lawful for any officer commanding any detachment or portion of troops serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which such troops are so serving, by any person serving with or belonging to Her Majesty's armies, being under the immediate command of any such officer, to convene a detachment general court-martial, which shall consist of not less than three commissioned officers, for the purpose of trying any such person; —— and every such court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general courts-martial: —— PROVIDED always, that no sentence of any such court-martial shall be executed until the general commanding the army of which such detachment or portion forms part shall have approved and confirmed the same.

As to swearing and summoning of witnesses.

13. ALL general and other courts-martial shall administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; —— and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate, and in the case of all other courts-martial by the president of the court; —— and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; —— or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or attending upon or returning from such court-martial; —— and all witnesses so duly summoned as aforesaid who shall not

attend on such courts, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or in the Court of Session or sheriff or stewart courts in Scotland, or in courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend upon a trial in any proceeding in the court in which such complaint shall be made: —— PROVIDED always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof:——IT shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down according to the best of his power the evidence to be given before the court.

Oath to be administered to shorthand writer.

14. NO officer or soldier who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; —— and no finding,

No second trial for the same offence, but revision may be allowed.

opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

15. IF any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in any forces belonging to Her Majesty's army, or Her Majesty's royal marines, or shall not use his utmost endeavours to suppress the same, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; —— or shall hold correspondence with or give advice or intelligence to any rebel or enemy of Her Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; —— or shall treat or enter into any terms with such rebel or enemy without Her Majesty's license, or license of the general or chief commander; —— or shall misbehave himself before the enemy; —— or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; —— or shall compel the

governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; —— or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; —— or shall desert Her Majesty's service; —— or shall leave his post before being regularly relieved; —— or shall sleep on his post; —— or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; —— or who being confined in a military prison shall offer any violence against a visitor or other his superior military officer, being in the execution of his office; —— all and every person and persons so offending in any of the matters before mentioned, whether such offence be committed within this realm or in any other of Her Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or penal servitude; —— or such other punishment as by a court-martial shall be awarded: ——PROVIDED always, that any non-commissioned officer or soldier attested for or in pay in any regiment or corps who shall, without having first obtained a regular discharge

therefrom, enlist himself in Her Majesty's army, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Judgment of death may be commuted for penal servitude or other punishments.

16. IN all cases where the punishment of death shall have been awarded by a general court-martial or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty, or to the officer commanding as aforesaid.

Embezzlement, &c. of stores punishable by penal servitude, or by fine, imprisonment, &c.

17. ANY officer or soldier of Her Majesty's army, or any person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to Her Majesty's army or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general

court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; —— and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies, or in India, where the person sentenced by such court-martial shall be resident, after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal

18. WHENEVER Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter passed upon any

servitude in the United Kingdom.

offender by any court-martial shall be carried into execution for the term specified in such sentence or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death passed by any such court, the sentence, together with Her Majesty's pleasure thereupon, shall be notified in writing by the officer commanding in chief Her Majesty's army in Great Britain and Ireland, or by the adjutant general, or by the Secretary of State for the War Department, to any judge of the Queen's Bench, Common Pleas, or Exchequer in England or Ireland, and thereupon such judge shall make an order for the penal servitude of such offender in conformity with such notification, and shall do all such other acts consequent upon such notification as such judge is authorised to do by any Act in force touching the penal servitude of other offenders; —— and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England; —— and such order shall be in all respects as effectual in England as though such offender had been convicted in England, and the order had been made by any judge of the Queen's Bench, Common Pleas, or Exchequer in England; —— and the person in whose custody such offender shall at that

time be, and all other persons whatsoever whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience to or for interrupting the execution of such order as if the order had been made under the authority of any such Act as aforesaid; —— and every person so ordered to be kept in penal servitude shall be subject to every provision made by law and in force concerning persons under sentence of penal servitude; —— and from the time when such order of penal servitude shall be made every Act in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding and abetting, contriving or assisting in any escape or intended escape or returning without leave of any such offender; —— and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the clerk of the Crown of the Court of Queen's Bench; —— and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender or to any person applying in his or Her Majesty's behalf,

showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, and the conditions on which the order of penal servitude was made; —— which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

As to execution of sentences of penal servitude in the colonies, India, or elsewhere out of Her Majesty's dominions.

19. WHENEVER any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the adjutant general for the time being, if in India, to the chief judge or any judge of the chief civil court of the presidency or province where the offender may come or be, and if in any other part of Her Majesty's dominions to the chief justice or some other judge therein, and such judge shall make order for the inter-

mediate custody and penal servitude of such offender; and the offender shall, until handed over in pursuance of any such order to the civil authorities, be detained in military custody, and may be moved in such custody from place to place as circumstances may require;—— and upon any such order being made it shall be duly notified to the governor of the presidency if in India, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced, or where he may come or be as aforesaid, in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such presidency or colony; —— and such offender shall according to such directions undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced, or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned, and kept to hard labour, and

otherwise dealt with under such sentence in the same manner as if he had been sentenced to be imprisoned, with hard labour, during the term of his penal servitude, by the judgment of a court of competent jurisdiction in such presidency or colony, or in the colony or place to which he has been so removed or sent respectively: —— AND elsewhere out of Her Majesty's dominions the officer commanding shall have power to make an order in writing for the penal servitude or intermediate custody of such offender; —— and such offender shall be liable by virtue of such order to be imprisoned and kept to hard labour and otherwise dealt with under the sentence of the court in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction, in the place where he may be ordered to be kept in such intermediate custody, or in the place to which he may be removed for the purpose of undergoing his sentence of penal servitude.,—— IF any prisoner shall be brought to any place in the United Kingdom, there to undergo any sentence of penal servitude which has been passed upon him by a court-martial held elsewhere, and the judge's or officer's order hereinbefore prescribed for his penal servitude and intermediate custody shall not be forthcoming, and the judge advocate general,

upon application for that purpose, shall certify that it appears from the original proceedings of the court-martial whereby the prisoner was tried that he has been duly sentenced to penal servitude, and that for anything that appears to the contrary thereon such sentence is still in force against the said prisoner for the period to be stated in such certificate, then it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon consideration of such certificate, to direct in writing under his hand that the said prisoner shall be at once removed to a convict prison, and be imprisoned and kept to hard labour according to the sentence stated in such certificate, and thereupon the prisoner shall be removed to such convict prison, and shall be liable to be imprisoned and kept to hard labour, and be otherwise dealt with during the term of his sentence, as if he had been sentenced to a like term of penal servitude by a competent court in the United Kingdom.

A sentence of penal servitude may be commuted for imprisonment, &c.

20. IN any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender

be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty, or to the officers commanding as aforesaid.

Of forfeitures, when combined with penal servitude.

21. WHERE an award of any forfeiture, or of deprivation of pay, or of stoppages of pay, shall have been added to any sentence of penal servitude, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Courts-martial may not sentence to corporal punishment in time of peace.

22. NO court-martial shall, for any offence whatever committed under this Act during the time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided, that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War; and no sentence of corporal punishment shall exceed fifty lashes.

23. IT shall be lawful for any general, district, or garrison court-martial, in addition to any sentence of corporal punishment, to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed by the Articles of War.

Power to inflict corporal punishment and imprisonment.

24. IN all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial it shall be lawful for Her Majesty, or for the general or other officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement hereinbefore mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute corporal punishment for imprisonment, &c.

25. IT shall be lawful for Her Majesty in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be repri-

Power to commute a sentence of cashiering.

manded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Power of imprisonment by general, garrison, or district courts-martial.

26. A GENERAL, garrison, or district court-martial may sentence any soldier to imprisonment, with or without hard labour, and with or without solitary confinement, but such solitary confinement shall not exceed the periods prescribed by the Articles of War.

Power of imprisonment by regimental or detachment courts-martial.

27. ANY regimental or detachment court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and with or without solitary confinement not exceeding the periods prescribed by the Articles of War.

As to imprisonment of offenders already under sentence.

28. WHENEVER sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude, the court may award a sentence of imprisonment or penal servitude for the offence for which he is under trial, to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.——WHENEVER Her Majesty, or any general or other officer authorised to confirm the sentences of courts-martial,

shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall, at the time of such commutation, be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

Regulations as to military prisons.

29. IT shall be lawful for the Secretary of State for the War Department, and in India for the Governor General in council, to set apart any buildings now erected or which may hereafter be erected, or any part or parts thereof, as military prisons, and to declare that any building or any two or more buildings shall be, and thenceforth such building or buildings shall be deemed and taken to be, a military prison; —— and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the

meaning of this Act; —— and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be exercised by the Secretary of State for the War Department, and in India by the Governor General in council; —— and it shall be lawful for the said Secretary of State, and in India for the Governor General in council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor, provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in council; —— and it shall be lawful for the said Secretary of State, and in India for the Governor General in council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor or provost marshal, and all other necessary officers and servants, for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer, or servant of any such military

prison; —— and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor General in council, may from time to time appoint, shall be a visitor or visitors of such prison; —— and the said Secretary of State, and in India the Governor General in council, may authorise any general officer commanding to appoint periodically visitors to any military prison within his command; —— and the said Secretary of State, and in India the Governor General in council, or the general officer so appointing, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; —— and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in council, have and exercise in respect of such prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or

governor of a county gaol or house of correction may respectively exercise as such: ——PROVIDED that every inspector of such military prisons, who is also a director of convict prisons, shall have the same power in such military prisons as he has in convict prisons.

As to the custody of military offenders under sentence of court-martial and in other cases.

30. EVERY governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part of Her Majesty's dominions shall receive into his custody any military offender under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; —— and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over

to other custody before the expiration of that time under an order duly made for that purpose; —— and whenever troops are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding such troops.

As to the removal or discharge of prisoners in certain cases.

31. IN the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or

for trial; —— and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; —— and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the

United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; —— and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; —— and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above

mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; —— and such prisoner, in any of the cases herein-before mentioned, shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: —— PROVIDED always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence for whatever purpose such detention shall take place; —— and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Provision for subsistence.

32. THE gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions, shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier, during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of

Her Majesty's dominions sixpence per diem: —— IN all cases where such soldier is sentenced to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and which said sum of one shilling or of sixpence, and the further sum, if any, as the case may be, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.—— A SENTENCE of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act, shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time:——PROVIDED that for each person so ceasing to be subject to this Act the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice as aforesaid, together with a copy of the order of commitment, a sum not exceeding one shilling and sixpence per diem, which said sum shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

IN India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

Expiration of imprisonment of soldiers in common gaols.

33. EVERY gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient to communicate, notice of the day and hour on which the imprisonment of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in

his report, together with the name of the place where the man enlisted.——IN all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities herein-before referred to.

Apprehension of deserters in the United Kingdom.

34. UPON reasonable suspicion that a person is a deserter it shall be lawful for any constable, or if no constable can be immediately met with, then for any officer or soldier in Her Majesty's service, or other person, to apprehend or cause to be apprehended such suspected person, and forthwith to bring him or cause him to be brought before any justice living in or near the place where he was so apprehended and acting for the county, city, district, place, or borough wherein such place is situate or for the county adjoining such first-mentioned county or such borough;—— and such justice is hereby authorised and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry and to remand the said suspected person in the manner prescribed by an Act passed in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, section twenty-one, and subject to every provision therein contained; and if

it shall appear to the satisfaction of such justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence upon oath or by the knowledge of such justice, that such suspected person is a deserter, such justice shall forthwith cause him to be conveyed in civil custody to the head quarters or depôt of the regiment or corps to which he belongs, if stationed within a convenient and easily accessible distance from the place of commitment, or if not so stationed then to the nearest or most convenient public prison (other than a military prison set apart under the authority of this Act) or police station legally provided as a lock-up house for temporary confinement of persons taken into custody, whether such prison or police station be in the county or borough in which such suspected person was apprehended or in which he was committed, or not; —— or if the deserter has been apprehended by a party of soldiers of his own regiment or corps in charge of a commissioned officer, such justice may deliver him up to such party, unless the officer shall deem it necessary to have the deserter committed to prison for safe custody; —— and such justice shall transmit an account of the proceedings, in the form prescribed in the schedule annexed to this Act, to the Secretary of State for the War Department, specifying therein whether such deserter was delivered to his regiment

or corps, or to the party of his regiment or corps, in order to his being taken to the head quarters or depôt of his regiment or corps, or whether such deserter was committed to prison, to the end that the person so committed may be removed by an order from the office of the said Secretary of State, and proceeded against according to law; —— and such justice shall also send to the said Secretary of State a report stating the names of the persons by whom or by or through whose means the deserter was apprehended and secured; —— and the said Secretary of State shall transmit to such justice an order for the payment to such persons of such sum not exceeding forty shillings as the said Secretary of State shall be satisfied they are entitled to according to the true intent and meaning of this Act; —— and for such information, commitment, and report as aforesaid the clerk of the said justice shall be entitled to a fee of two shillings and no more; —— and every gaoler and other person into whose custody any person charged with desertion is committed shall immediately upon the receipt of the person so charged into his custody pay such fee of two shillings, and shall notify the fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a copy of the commitment, to the end that such Secretary of State may order repayment of such fees; —— and when any such person shall be apprehended

In Her Majesty's foreign dominions.

and committed as a deserter in any part of Her Majesty's foreign dominions the justice shall forthwith cause him to be conveyed to some public prison, if the regiment or corps to which he is suspected to belong shall not be in such part, or, if the regiment or corps be in such part, the justice may deliver him into custody at the nearest military post if within reasonable distance, although the regiment to which such person is suspected to belong may not be stationed at such military post; —— and such justice shall in every case transmit to the general or other officer commanding a descriptive return in the form prescribed in the schedule to this Act annexed, to the end that such person may be removed by order of such officer, and proceeded against according to law; —— and such descriptive return, purporting to be duly made and subscribed in accordance with the Act, shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated: ——

Transfer of deserters.

PROVIDED always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which it may be desirable that he should be transferred, and shall also

be liable after such transfer of service to be tried and punished as a deserter.

As to the temporary custody of deserters in gaols.

35. EVERY gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions, is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

Desertion of recruits prior to joining their regiments or corps.

36. ANY recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before joining the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty, and be liable to be transferred to any regiment or corps or depôt nearest to the place

where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: —— PROVIDED always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

Fraudulent confession of desertion.

37. ANY person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false, shall by the said justices be adjudged to be punished, if in England as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; —— and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner hereinbefore mentioned, and to transmit a state-

ment of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; —— and a letter from the War Office in reply thereto, referring to such statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. —— IN India the authority herein given to two justices may be exercised by one European justice or magistrate.

Furlough in case of sickness.

38. WHEN there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; —— and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer

or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter:——PROVIDED always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment, according to the provisions of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

39. NO person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of an army schoolmaster to discharge from the service, or loss of the whole or any period of his previous service reckoning towards pension on discharge by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the

Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; —— and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate, setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

40. ANY person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money,

or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing such affidavit; —— but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described; and all

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for not maintaining their families, or for breach of contract.

summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void, to all intents and purposes; —— and any judge of any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; —— PROVIDED that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; ——PROVIDED also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the

breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices, duly bound, under the age of twenty-one years, or to indentured labourers, as herein-after prescribed.

Officers not to be sheriffs or mayors, &c.

41. NO person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland:—— PROVIDED that the competence or liability of any officer to be nominated to or to hold any of the aforesaid offices shall not be deemed to be affected by reason of the corps to which he belongs being assembled for annual training at the time of his nomination to, or during the period of his tenure of, such office.

Questions to be put to recruits on enlisting.

42. EVERY person authorised to enlist recruits or to enrol men under any Reserve Force Acts, or to enlist men under any Militia Reserve Acts, shall first ask the person about to be so enlisted or enrolled whether he belongs to any and what force in Her Majesty's service, and also such other questions as the proper authorities may direct to be put to such persons, and

in case of a recruit shall immediately after giving him enlisting money serve him with a notice in the form ordered by the Secretary of State for the War Department to be used.

Recruits, when deemed to be enlisted.

43. EVERY person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

44. EVERY person so enlisted as aforesaid shall within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment.

Dissent and relief from enlistment.

45. WHEN a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge

to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or depôt of a regiment to the officer commanding the same; —— but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless, upon repayment of the enlisting money, and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the district, shall be paid over to any person belonging to the recruiting party who may demand the same; —— and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

46. IF the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation ordered by the Secretary of

State for the War Department to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; —— and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; —— and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; —— and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits, until they have been attested or received pay, not triable by court-martial; but in certain cases punishable as rogues and vagabonds.

47. NO recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; —— but if any person previously to his being attested or enrolled shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declara-

tion, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having, in the case of a recruit, dissented from his enlistment, shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, to adjudge such person, when he shall be brought before them or him, if in England, to be a rogue and vagabond, and to sentence him to be punished accordingly, and if in Scotland or Ireland, or elsewhere in Her Majesty's dominions, to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months.

Attested recruits triable in some cases either before two justices or before a court-martial.

48. ANY person who shall have been attested or enrolled in the regular army or reserves, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or

garrison court-martial for the same, and punished in such manner as such court shall direct; —— and the declaration made by such person on his attestation or enrolment purporting to be made in accordance with the regulations of the Secretary of State shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices or before any court-martial, of such person having represented the several particulars as stated in such declaration.

Recruits absconding.

49. IF any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; —— and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette." —— FOR the purposes of this section, and all purposes of attestation and enlistment, a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to militiamen.

50. IF any man while belonging to a militia regiment shall enlist in and be

enlisting into regular forces.

attested for Her Majesty's army, he shall be liable to be tried before a court-martial on a charge for desertion; ——but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial; —— and in case such militiaman shall have belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days; —— and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment, or be deemed to be a soldier, in the same manner as if he had not been a militiaman at the time of his attestation: —— PROVIDED that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: ——PROVIDED also, that any such soldier shall not reckon service for pension until the day on which his engagement for the

militia would have expired; ——but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation.——IF any non-commissioned officer of the volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired; and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued

to him while on the volunteer permanent staff, and not duly delivered up by him.

Punishment of persons offending against laws relating to enlistment.

51. EVERY person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

Enlistment and re-enlistment and transfer to another corps abroad.

52. IT shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorised in that behalf by the governor or officer administering the government of such colony;——and beyond the limits of Her Majesty's dominions for any British consul or person duly exercising the authority of a British consul;——and in Her Majesty's dominions in India for any person duly authorised in that behalf by the Governor General or lieutenant governor, or other officer administering the government of any presidency, division, or province;——and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorised in that behalf by the Governor General, to enlist and attest or to re-engage within the local

limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; —— and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorised in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest, within the local limits of his authority, any persons desirous of enlisting in Her Majesty's Indian forces.—— ANY such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; —— but no such magistrate or other person authorised to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; —— and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; —— and any person so attested shall be deemed to be an attested soldier.

Soldiers willing may be transferred to succeeding corps.

53. WHEN any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised by the officer commanding in chief at such station to receive as transfers as many of the soldiers belonging to the corps

leaving the station as shall be willing and fit for service for any corps appointed to remain; —— and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier.

Soldiers may be transferred from one service to another.

54. IT shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service, or to some other regiment or corps in the same branch of the service, either within the United Kingdom or elsewhere; —— and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him:—— PROVIDED always, that any soldier who may have volunteered for the corps of armourer sergeants, or for the army hospital corps, or the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: —— PROVIDED also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps

serving at the station at the time of his removal from staff employ:——PROVIDED also, that upon the conviction by court-martial of any soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement of soldiers for a further term.

55. ANY soldier who, being in army service, has commenced the last year of his first term of enlistment, or who, being within three years of the expiration of his first term of enlistment, has been ordered, but has not yet proceeded on foreign service, may, with the approval of his commanding officer, or other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment;—— and any soldier who has completed a total period of twenty-one years service may, with the approval of the competent military authorities, continue to serve beyond such total period, under the provisions of the tenth section, Army Enlistment Act, 1870; —— and any person who has been a soldier, and who has received his discharge, may also be so re-engaged, upon making a declara-

tion, in the form ordered by the Secretary of State for the War Department to be used, before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: ——PROVIDED always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge:—— PROVIDED also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: —— PROVIDED also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one, inclusive, or from the disembodied militia

Boon service to be reckoned.

during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

Enlistment of negroes.

56. ALL negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, and be entitled to all the privileges of natural-born subjects; —— and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

57. ANY person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before

whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army, according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's army;——and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of

Claims of masters to apprentices.

fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall; within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him, specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: —— PROVIDED always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than five or four years as aforesaid: —— PROVIDED also, that any master

who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice or an indentured labourer.

Punishment of apprentices enlisting.

58. NO apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; —— and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; —— and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such

person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; —— and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; —— and every such offender, in Scotland, may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: —— PROVIDED always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

Removal of doubts as to attestation of soldiers.

59. NO person who shall for six months, either before or after the passing of this Act, have received pay and been borne on the strength and pay list of any regiment or corps, or depôt or battalion of a regiment or corps (of which the last quarterly pay list, if produced, shall be evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; —— and no person shall be exempted from the pro-

visions of this Act, or of the Articles of War for the time being, by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number hereinbefore mentioned.

Authorised deductions only to be made from the pay of the army.

60. NO Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and seventy-three, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's Regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; —— and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hun-

dred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service.

Suspending operation of certain Acts herein recited.

61. AND whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills;——and by a clause in an Act of the Parliament of England made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted, that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: ——AND whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act to prevent "the disorders that may happen by the "marching of soldiers, and providing car- "riages for the baggage of soldiers on their "march," it was enacted, that no officer, soldier, or trooper in the army, nor the

6 Anne, c. 14. s. 8. (I.)

servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army, or any considerable part thereof, should be commanded to march from one part of Ireland to another: —— BUT forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act.

Certain requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

62. AND whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is provided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true

christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: —— AND whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: —— It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; —— and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

How and where troops may be billeted.

63. IT shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all bât and baggage horses belonging to any of Her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's Regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); —— and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; ——and

at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses in which suitable accommodation can be found, before making out billets for the more distant; —— and in all places where cavalry shall be billeted in pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; —— and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses, and so in proportion for a greater number; —— and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; —— and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses were all locally situate within such place: —— PROVIDED that nothing herein contained shall be construed to extend to authorise any constable to billet soldiers out of the county to which such constable belongs, when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such

adjoining county; —— and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted; —— all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; —— and if any person shall find himself aggrieved by having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such soldiers are billeted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; —— and when any of Her Majesty's cavalry or any horses aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; —— and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or

horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; —— and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; —— and the constables are hereby required to billet such men and horses so exchanged accordingly; —— and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops: —— PROVIDED that, to prevent or punish all abuses in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: —— PROVIDED always, that no officer

shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

Billeting the guards in and near Westminster.

64. THE officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London), and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; —— and the high constables shall, on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; —— and the said constables shall, at every general sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with

the respective clerks of the peace for the inspection of all persons without fee or reward; —— and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists, upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

Military officers not to act as justices in billeting.

65. NO justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Allowance to innkeepers.

66. THE innholder or other person on whom any soldier is billeted in Great Britain shall, if required by such soldier, furnish him for every day of the march, and for a period not exceeding two days when halted at the intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed,

one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of tenpence, and twopence halfpenny for a bed; —— and all innholders and other persons on whom soldiers may be billeted in Great Britain or Ireland, except when on the march in Great Britain and entitled to be furnished with the hot meal as aforesaid, shall furnish such soldiers with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each soldier;—— and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's forces shall be billeted in Great Britain or Ireland for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; —— and every officer or non-commissioned officer commanding a regiment, detachment, or party shall every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, soldiers, or horses are billeted, out of the pay

and subsistence of such officers and soldiers, before any part of the said pay or subsistence be distributed to them respectively; —— and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint, and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the agent of the regiment or corps to pay the sums due to such victuallers or other persons as aforesaid, and to charge the same against such officers;—— and in case any soldier be suddenly ordered to march, and the respective commanding officers or non-commissioned officers are not enabled to make payment of the sums due for the lodging or victualling of the men and stabling or forage for the horses, every such officer or non-commissioned officer shall, before his departure, make up the account with every person upon whom such soldier may have been billeted, and sign a certificate thereof;——which account and certificate shall be transmitted by such officer or non-commissioned officer to the agent of the regiment or corps, who is

hereby required to make immediate payment thereof, and to charge the same to the account of such officer or non-commissioned officer.

Interpretation of Act.

67. ALL powers and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; —— and all powers and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions, and to chief magistrates of exclusive local jurisdictions;——

Powers and regulations as to billets.

and all the powers given to and regulations made for the conduct of constables in relation to the billeting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act in relation to billeting; —— and all powers and provisions for billeting officers and soldiers in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses,

and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin, by retail, in Great Britain and Ireland; —— and in Ireland, when there shall not be found sufficient room in such houses, then to billeting soldiers in such manner as has been heretofore customary: —— PROVIDED that no officer or soldier shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the War Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Exemptions from billets.

68. FOR the regular provision of carriages for Her Majesty's forces, and their

Supply of carriages.

baggage, in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorised in that behalf, shall, on production to them of such order, or a copy thereof certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; —— and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; —— and when sufficient carriages cannot be pro-

cured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; —— and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorise the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; —— and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid for carriages, and regulations relating thereto.

69. IN every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; —— and the rates to be paid for carriages impressed shall be, in Great Britain for every mile which a waggon with four or more horses, or a wain with six oxen, or four oxen and two horses, shall travel, one shilling; —— and

for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; —— and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; —— and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; —— and in Great Britain such further rates may be added, not exceeding a total addition per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; —— and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; —— and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; —— and also in Great Britain, when the day's march shall exceed fifteen miles,

the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; —— and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; —— and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; —— and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; —— and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; —— but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; ——

and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; —— and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; —— PROVIDED that a cart with one or more horses, for which the furnisher shall receive ninepence a mile, shall be required to carry fifteen hundredweight at the least; —— and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; —— and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; ——

and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

As to supply of carriages in cases of emergency, &c.

70. IT shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the military department, to authorise any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or chief governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as

shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; —— and all provisions whatsoever of this Act, as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; —— and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment,

but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

Justices empowered to reimburse constables for sums expended by them.

71. IT shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; —— and in Scotland such justices shall direct such payments to be made out of the rogue money and assessments directed and authorised to be assessed and levied by an Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Routes in Ireland.

72. IT shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of

emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

73. ALL Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying any such persons as aforesaid, or their baggage, or stores, or returning from conveying the same, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or ordinance, order or direction of any colonial legislature or other authority in any of Her Majesty's colonies; —— PROVIDED that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed

in cases of emergency as herein-before enacted.

Ferries.

74. WHEN any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching money on discharge.

75. EVERY soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home, shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence (if the cost of conveyance to such place shall not exceed the cost of conveyance to the place of his original enlistment):——PROVIDED that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces.

Ordinary course of criminal justice not to be interfered with.

76. NOTHING in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor, or of any crime or offence other than the misdemeanors and offences herein-before mentioned; —— and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's Superior Courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; —— and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the Judge Advocate General in London.

Punishment of officers obstructing civil justice.

Penalty for disobe-

77. FOR enforcing a prompt observance of the rules and orders for the due

appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; —— and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds. dience by agents.

78. ANY person (except the Army Purchase Commissioners and persons acting under their authority by virtue of the provisions of the Regulation of the Forces Penalty on trafficking in commissions.

Act, 1871) who shall negotiate, act as agent for, or otherwise aid or connive at the sale or purchase of any commission in Her Majesty's army shall forfeit for every such offence the sum of one hundred pounds; —— and any person who shall negotiate, act as agent for, or otherwise aid or connive at any exchange in respect of which any sum of money or other consideration exceeding the sum or consideration sanctioned by the military authorities shall be given or received shall forfeit for every such offence the sum of one hundred pounds.

Penalty for procuring false musters.

79. EVERY person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of fifty pounds; —— and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; —— and the

informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. EVERY person (except such person or persons as shall be authorised by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, — or shall open or keep any house, place of rendezvous, or office, — or receive any person therein under such bill or advertisement, as connected with the recruiting service, — or shall directly or indirectly interfere therewith, without permission in writing from the Adjutant General or from the Secretary of State in Council of India (as the case may be), — shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

81. ANY person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his

rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Penalty for forcible entry in pursuit of deserters without warrant.

82. ANY officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling house or outhouse, or shall give any order under which any dwelling house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. IF any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of

felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; —— and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; —— and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; —— and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he

shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; —— or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet or otherwise; ——

Certain provisions of Acts for regulating

and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or

prisons in Great Britain [redacted] to apply to all military pri[redacted] any such provision relates to suc[redacted] —— and it shall be lawful for the go[redacted] provost marshal, officer, or servant of [redacted] military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; —— and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; —— and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

84. ANY governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender

[redacted]

[redacted]m-before prescribed, shall [redacted]ry such offence the sum of [redacted]d pounds.

[redacted]ssaries, [redacted]tores, &c.

85. ANY person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, — or any provisions, — or any sheets or other articles used in barracks provided under barrack regulations, — or regimental necessaries, — or any article of forage provided for any horses belonging to Her Majesty's service, — or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries, or forage, and shall not give a satisfactory account how he or she came by the same,—or shall change the colour of any clothes as aforesaid, — shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; —— and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any

sum not exceeding twenty pou[illegible] less than five pounds, and the treble [illegible] of all or any of the several articles of which such offender shall have so become possessed, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justice or justices shall think fit; —— and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; —— and if any credible person shall prove on oath before a justice of the peace, or person exercising like authority, according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods; —— and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the

[redacted] such warrant, who shall bring [redacted]ender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law:——PROVIDED always, that it shall be lawful for the legislature of any of Her Majesty's foreign dominions, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: —— PROVIDED also, that it shall be competent to Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.

Penalties on civil subjects offending

86. IF any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers

in any part of the United K[illegible] presume to billet any such officer or [illegible] in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; —— or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; —— or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving such officer or soldier; —— or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; —— or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; —— or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; —— or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully

delivered defective lists of the —— or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as hereinbefore provided; —— or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; —— or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers, on duty or on their march, for themselves or for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform, when called out for training or in aid of the civil power, or for any carriages or horses belonging to Her Majesty, or employed in her service under the provisions of this

collectors demanding toll from officers, soldiers, or for carriages;

Act, or in any of Her Majes[illegible] when conveying persons, or baggag[illegible] stores, or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; —— and if any person shall personate or represent himself to be a soldier or a recruit with the view of fraudulently obtaining a billet, or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

and on persons personating soldiers, &c.

87. IF any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; —— PROVIDED that a certificate of such conviction shall be transmitted by one of

Penalties on the military offending against the laws relating to billets.

[redacted]ices to the judge advocate in [redacted], who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; —— and if any military officer shall take, or knowingly suffer to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; —— and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall

force horses from their owner[illegible] Ireland shall force the owner to take [illegible] loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on killing game without leave.

88. FOR the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

Form of actions at law.

89. ANY action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue Not Guilty, and to give all special matter in evidence to the jury; —— and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the

or dismiss the complaint, the [redacted] in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; —— and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court whatsoever.

Recovery of penalties.

90. ALL offences for which any penalties and forfeitures are by this Act imposed, not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act "to facilitate the performance of the duties "of justices of the peace out of sessions, "within England and Wales, with respect "to summary convictions and orders:"—— PROVIDED always, that in all cases

11 & 12 Vict. c. 43.

in which there shall not be sufficient whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; —— which said recited Act shall be used and applied, in Scotland and in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act "to consolidate and amend the Acts regu- "lating the proceedings at petty sessions, "and the duties of justices of the peace "out of quarter sessions, in Ireland," to the contrary notwithstanding; ——and all such offences committed in the British Isles, or in any of Her Majesty's dominions beyond the seas, may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace, or persons exercising like authority, according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; —— and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be re-

14 & 15 Vict. c. 93.

[redacted] the British Isles, or in any other [redacted]s of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. —— IN any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices or the court imposing such penalty or forfeiture.

Appropriation of penalties.

91. ONE moiety of every penalty, not including any treble value of any articles adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the paymaster of the London recruiting district, St. George's Barracks, London, and in India to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, anything in an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act "to provide for the regulation of municipal "corporations in England and Wales," or

5 & 6 W. 4. c. 76.

in any other Act or Acts, to the contrary notwithstanding. —— Every justice or court adjudging any penalty under this Act shall report the same immediately, if in the United Kingdom to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station.

Mode of recording a soldier's settlement.

92. THE Secretary of State for the War Department may, if he think proper, cause any soldier on his discharge, and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated himself to have been born, and if delivered at the workhouse of that parish, or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof, but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer,

produced when required; —— which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom: —— PROVIDED that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

Licenses of canteens.

93. WHEN any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two justices within their respective jurisdictions to grant or transfer any beer, wine, or spirit license to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licenses; —— and the commissioners of excise, or their proper officers within their respective districts, shall also grant such licenses as aforesaid; and such persons so holding canteens, and having such licenses, may sell therein victuals and exciseable liquors, as em-

powered by such excise license, [redacted] being subject to any penalty or forfeiture.

Attestation of accounts.

94. ALL muster rolls and accounts and pay and pension lists which are required to be verified by declaration shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation.

Commissaries, &c. to attest their accounts.

95. ALL commissaries, regimental paymasters, and all other accountants for military services, upon making up their accounts, and all commissaries upon returning from any foreign service, shall severally make the respective declarations described in the schedule to this Act annexed; —— which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other person authorised to administer oaths and declarations, and if made on foreign service shall be made before the officer commanding in chief, or the second in command, or the quartermaster or deputy quartermaster-general or any assistant quartermaster-general of the army, who shall respectively have power to administer and receive the same.

Administration of oaths.

96. ALL oaths and declarations which are authorised and required by this Act may be administered (unless where otherwise provided) by any justice of the peace,

[redacted]er person having authority to administer oaths and declarations;—— and any person taking a false oath or declaration where an oath or declaration is authorised or required by this Act shall be deemed guilty of wilful and corrupt perjury, or of wilfully making a false declaration, and being thereof duly convicted shall be liable to such pains and penalties as by law any person convicted of wilful and corrupt perjury is subject and liable to; —— and every commissioned officer convicted before a general court-martial of perjury, or of wilfully making a false declaration, shall be cashiered, and every soldier or other person amenable to the provisions of this Act found guilty thereof by a general, district, or garrison court-martial shall be punished at the discretion of such court. —— IN India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings

under this Act, shall be deemed gu[redacted] wilful and corrupt perjury, and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

97. ALL crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; —— and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: —— PROVIDED always, that no person shall be liable to be tried or punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having

[redacted] himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Officers and soldiers to conform to 26 & 27 Vict. c. 57., &c.

98. IT shall be the duty of all officers and soldiers to observe and conform to the provisions contained in "The Regimental Debts Act, 1863," and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the Royal Sign Manual.

Where troops are serving beyond the jurisdiction of the courts of requests, &c., actions of debt not exceeding 400 rupees to be cognizable by a military court.

99. IN all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in Council, actions of debt, and all personal actions against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post is hereby authorised and empowered to convene.——WHENEVER owing to paucity of officers, or to any

other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorise the assembly of a court by the officer commanding at the nearest place where such court can be formed. ——COURTS of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer;——and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

'I swear, that I will duly administer justice according to the evidence in the matters that shall be brought before me.

'So help me GOD.'

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts-martial.—— All actions of debt and personal actions against persons amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the

extent of its powers; and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments.——In regard to awards of execution general civil courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; —— and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court;——and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting

the same, shall be valid and binding;—— and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages;—— and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages;——and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid;——and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; ——and in cases where the said court shall

direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction : —— PROVIDED always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: ——PROVIDED also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section.

Provisions relating to courts-martial on officers and soldiers of Her Majesty's Indian forces.

100. THE government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within such presidencies respectively; —— and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

101. ANY officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India, or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which if committed in England would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; —— but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; —— and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general

As to trial of officers and soldiers serving in India.

court-martial; —— and such general or other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence;—— or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit:——PROVIDED always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried: —— PROVIDED also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever.

Duration of this Act.

102. THIS Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-three inclusive until the twenty-fifth day of April one thousand eight hundred and seventy-four;—— and shall be and continue in force within Ireland,

and in Jersey, Guernsey, Alderney, Sark and Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-three inclusive until the first day of May one thousand eight hundred and seventy-four —— and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-three inclusive until the first day of August one thousand eight hundred and seventy-four; —— and shall be and continue in force in all other parts of Europe where Her Majesty's forces may be serving, and in the West Indies and America, from the first day of September one thousand eight hundred and seventy-three inclusive until the first day of September one thousand eight hundred and seventy-four;—— and shall be and continue in force in India, and within the Cape of Good Hope the Isle of France or Mauritius and its dependencies, Saint Helena, and the settlement on the western coast of Africa, from the first day of January one thousand eight hundred and seventy-four inclusive until the first day of January one thousand eight hundred and seventy-five;—— and shall be and continue in force within British Columbia and Vancouver's Island from the date of the promulgation thereof in general orders there inclusive until the first day of January one thousand eight hundred and seventy-five; —— and shall be and

continue in force in all other places from the first day of February one thousand eight hundred and seventy-five inclusive until the first day of February one thousand eight hundred and seventy-six: —— PROVIDED always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein stated to the contrary notwithstanding.

Interpretation.

103. THE words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being.

Amendment of Army Enlistment Act, 1870.

104. THE sixth section of the Army Enlistment Act, 1870, shall be amended as follows; that is to say,

The Secretary of State may, from time to time, by any general or special regulation, permit recruits to be enlisted for particular regiments or corps, and in such case they shall be attached to such regiment or corps; —— and the word corps shall in this Act, and in the Army Enlistment Act, 1870, as to future enlistments, include a brigade constituted of two or more regiments associated by general order or royal warrant for the purposes of enlistment or service.

Militia may be attached to regular forces.

105. HER Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any regiment or regiments of militia, and the officers, non-commissioned officers, and men (including the permanent staff) of any such regiment or regiments so attached shall be deemed for all purposes to form part of the corps to which they are attached:——PROVIDED that no person belonging to the militia shall be required to serve for a longer period, or in any other country, than that during and in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Yeomanry or volunteers may be attached to regular forces.

106. HER Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any corps of yeomanry or volunteers, and the officers, non-commissioned officers, and men (including the permanent staff) of any corps so attached shall be deemed for all purposes to form part of the corps of the army to which they are attached:—— PROVIDED that no person belonging to the yeomanry or volunteers shall be required to serve in any other manner than that in

which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Liability of soldier to maintain wife and children.

107. NOTWITHSTANDING anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier;——but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same;——nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and "disorderly persons and rogues and vagabonds in that part of Great Britain called "England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union;——nor shall he in Ireland be liable to be convicted

under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the "punishment of vagrants and persons of- "fending against the laws in force for the "relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.——WHEN any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling "Boards of Guardians to recover costs of "maintenance of illegitimate children in

" certain cases in Ireland," or when any order or decree has been made on or against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of one of Her Majesty's Principal Secretaries of State;—and the said Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.——WHERE a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an

order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters ;—— and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the United Kingdom of the body of troops to which the soldier belongs.

SCHEDULES referred to by the foregoing Act.

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; —— and that the said did on or about the day of abscond and quit my service without my consent; —— and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and

Sworn before me at
this day of
one thousand eight hundred
and

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one

thousand eight hundred and ,
and made oath that he was by trade
a , and that
was bound to serve as an apprentice
to him in the said trade, by indenture
dated the day of , for
the term of years; and that the
said apprentice did on or about the
day of abscond and quit the
service of the said without
his consent, and that to the best of his
knowledge and belief the said apprentice
is aged about years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's colonies or possessions has absconded.

I of do make oath,
that was bound to me to serve
as an indentured labourer by indenture
dated the day of for
the term of years, and that the
said did on or about the
day of abscond and quit my
service without my consent.

Witness, *&c.* [*as for apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I one of Her
Majesty's justices of the peace
of certify, that

of came before me at
the day of and made
oath that was bound to serve
as an indentured labourer to him by
indenture dated the day
of for the term of
years, and that the said indentured
labourer did on or about the
day of abscond and quit the
service of the said without
his consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, that I have not applied any moneys or stores or supplies under my care or distribution to my own use, or to the private use of any other person by way of loan to such person or otherwise, or in any manner applied them, or knowingly permitted them to be applied, to any other than public purposes, according to the duty of my office.

Declared before me by the within-named this day of

Justice of the Peace of
or *commander-in-chief*, or *second in command, et cætera, the army serving in*
et cætera [*as the case may be*].

FORM of DECLARATION of a PAYMASTER'S ACCOUNTS.

I (1) do solemnly and sincerely declare, that the commissioned and non-commissioned officers and all other persons belonging to the (2) have been mustered by (3) on the days prescribed, and in the manner directed by the regulations of the service.

Also, that the present account contains charges of pay and allowances for only such commissioned and non-commissioned officers and other persons belonging to the (2) as were effective and entitled thereto during the periods set against their names, and that the true reason of every absence or circumstance affecting pay or allowances is also stated against their names and properly accounted for.

Also, that the sum for which I have taken credit in this account for the pay of commissioned officers has been actually paid to them respectively.

Also, that the whole of the sums for which I have taken credit in this account, amounting to (4) , have been actually and bonâ fide disbursed by me in conformity with the regulations of the service, and that the total sum received or drawn for the several services therein

(1) Insert the Paymaster's name.

(2) Describe the corps.

(3) If the Paymaster musters, insert *me*; if otherwise, state by whom the musters were taken, adding the words, *to the best of my knowledge and belief.*

(4) Insert the amounts in words.

charged, including every receipt whatever, with which I am required to debit myself in this account, is (4).

(4) Insert the amounts in words.

_____ *Paymaster.*

Declared and subscribed before me at this day of 187 . } _____ *a Justice of the Peace for* _____.

Paymaster's Sureties.		Premium on Policy of Guarantee.	
Names.	Addresses.	Date when last paid.	Date when next due.

Certified,

____ _____ *Paymaster.*

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a CONTROL PAYMASTER.

I HEREBY solemnly and sincerely declare, that this account, comprised in folios, is just and true, according to the best of my knowledge, information, and belief; and I make this declaration, conscientiously believing the same to be true.

_____ *Control Paymaster.*

Declared before me at this day of 18 . } _____ *Justice of the Peace for* _____.

W.O. Form 87.

DESCRIPTIVE RETURN of who*
at on the day of , and was committed
to confinement at on the day of
as a deserter from the Bn. of the Regiment of

* After the word "who," to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age		
Height	Feet.	Inches.
Complexion		
Hair		
Eyes		
Marks		
In uniform or plain clothes		
Probable date of enlistment, and where *		
Probable date of desertion, and from what place		
Name, occupation, and address of the person by whom or through whose means the deserter was apprehended and secured.†		
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds. The fullest possible details to be given.		

* It should, if it can be ascertained, be here inserted, in case of a recruit, whether he received pay other than enlisting money, or enlisting money only.

† It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he ‡ a deserter from the before-mentioned corps, and I recommend§ for a reward of *s.*

‡ Insert *is* or *is not*, as the case may be.

§ It is requested that the magistrate will insert the name of the person to whom the reward is due, and the amount [5*s.*, 10*s.*, 15*s.*, or 20*s.*,] which, in his opinion, should be granted in this particular case.

——— *Signature* } *of committing*
——— *Residence* } *magistrate.*
——— *Post Town* }
——— *Signature of prisoner.*
——— *Signature of informant.*

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1878.

7 & 8 Vict. Cap. 85.

EXTRACT

FROM

An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.

[*Passed 9th August* 1844.]

Certain companies to convey military and police forces at certain charges. 5 & 6 Vict. c. 55.

12. And whereas by an Act passed in the sixth year of the reign of Her Majesty, intituled "An Act for the better regulation "of railways, and for the conveyance of "troops," it was among other things enacted, that whenever it shall be necessary to move any of the officers or soldiers of Her Majesty's forces of the line, ordnance corps, marines, militia, or the police force, by any railway, the directors thereof shall and are hereby required to permit such forces respectively, with their baggage, stores, arms, ammunition, and other necessaries and things, to be conveyed at the usual hours of starting, at such prices or upon such conditions as may from time to

time be contracted for between the Secretary at War and such railway companies for the conveyance of such forces, on the production of a route or order for their conveyance signed by the proper authorities: And whereas it is expedient to amend such provision in regard to the prices and conditions of conveyance by any new railway or any railway obtaining new powers from Parliament: Be it enacted, that all railway companies which have been or shall be incorporated by any Act of the present or any future session, or which by any Act of the present or any future session shall have obtained or shall obtain any extension or amendment of the powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any act unauthorized by the provisions of such previous Acts, shall be bound to provide such conveyance as aforesaid for the said military, marine, and police forces, at fares not exceeding twopence per mile for each commissioned officer proceeding on duty, such officer being entitled to conveyance in a first-class carriage, and not exceeding one penny for each mile for each soldier, marine, or private of the militia or police force, and also for each wife, widow, or child above twelve years of age of a soldier entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense, children under three years

of age so entitled being taken free of charge, and children of three years of age or upwards, but under twelve years of age, so entitled, being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, widows, and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundredweight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundredweight of personal luggage without extra charge, all excess of the above weights of personal luggage being paid for at the rate of not more than one halfpenny per pound, and all public baggage, stores, arms, ammunition, and other necessaries and things (except gunpowder and other combustible matters, which the company shall only be bound to convey at such prices and upon such conditions as may be from time to time contracted for between the Secretary at War and the company,) shall be conveyed at charges not exceeding twopence per ton per mile, the assistance of the military or other forces being given in loading and unloading such goods.

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXVII.

An Act for limiting the Time of Service in the Army. [21*st June* 1847.]

WHEREAS it is expedient to amend the system of enlistment now in use in Her Majesty's land forces: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act no person shall be enlisted to serve Her Majesty, or in the forces of the East India Company, as a soldier for a longer term than ten years in the infantry, or twelve years in the cavalry or artillery or other ordnance corps, to be reckoned

After passing of this Act the period for enlistment for a soldier limited.

from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or if not, then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

Repealing certain questions in schedule to 10 & 11 Vict. c. 12., and substituting those contained in schedule (A.) to this Act annexed.

2. And be it enacted, that such of the questions relative to enlistment as are contained in the schedule of an Act passed in the present year of Her Majesty's reign, intituled "An Act for punishing mutiny and "desertion, and for the better payment of "the army and their quarters," as relates to the enlisting and attesting of soldiers, shall be repealed; and that in all cases of enlistment to serve Her Majesty or the East India Company the question directed to be put on the attestation of recruits, as to their willingness to serve, shall be in the form contained in schedule (A.) hereto annexed.

Soldiers, at any time during the last six months, or on completion of term of limited service, may be re-engaged.

3. And be it enacted, that any soldier, at any time during the last six months of the term of limited service for which he shall have first engaged, or after the completion of such term, may, if approved by his commanding officer or other competent military authority as a fit person to continue in Her Majesty's service, or in the service of the East India Company as a soldier, be re-engaged to serve for

the further term of eleven years in the infantry, and twelve years in the cavalry or artillery or other ordnance corps, upon making a declaration in the form given in the schedule marked (B.) and annexed to this Act before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or, if not in Great Britain or Ireland, before any person duly appointed by Her Majesty, by any warrant signed by the Secretary-at-War in that behalf, to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-enlisting into Her Majesty's service.

Soldiers ordered on foreign service, within three years of expiration of first engagement, may be re-engaged for a further term.

4. Provided also, and be it enacted, that any soldier who shall be ordered on foreign service, and who is within three years of the expiration of his first engagement, shall be at liberty, with the approbation of his commanding officer, to re-engage, before he embarks for such foreign service, for such period as shall complete a total service of twenty-one years in the infantry or twenty-four years in the cavalry or artillery, according to the form given in schedule (B.) and annexed to this Act.

If terms of limited services expire while soldiers are on

5. Provided always, and be it enacted, that if either the first or second term of limited service for which any soldier shall have so engaged shall expire while he is

any foreign station, they may be prolonged for a further time.

serving on any foreign station, the said first or second term of limited service may be prolonged for such further time, not exceeding two years, as shall be directed by the commanding officer on such foreign station; and that any soldier who shall give notice to his commanding officer, after completing his second term of limited service, that he is desirous of continuing in Her Majesty's service, or in the service of the East India Company, and being approved by his commanding officer or other competent military authority, may be continued in such service as a soldier so long as he shall desire to be so continued, and until the expiration of three calendar months after he shall have given notice to his commanding officer of his wish to be discharged, and for that purpose shall be considered in all respects, during such time, as if his term of service were still unexpired.

If at the expiration of such terms of service soldiers are unwilling to re-engage themselves, they shall be conveyed home.

6. Provided further, and be it enacted, that if at the expiration of such first or second term of limited service, or of such term of prolonged service, any soldier entitled to his discharge, being on any foreign station, shall not be willing to re-engage or to continue in Her Majesty's service, or in the service of the East India Company, the commanding officer of the regiment in which he may be serving shall, as in the case of soldiers invalided, take

the usual measures, with all convenient despatch, for the conveyance of such soldier to England, and on the arrival of such soldier in England he shall be finally discharged: Provided always, that during such time as may elapse between the expiration of such terms of service as aforesaid and his final discharge in England such soldier shall remain subject to all the provisions of any Act which may be then in force for punishing mutiny and desertion, as fully as he may have been subject thereto before the expiration of such terms of service: Provided also, that if at the expiration of any such first or second term of limited service, or of such term of prolonged service, any soldier being in any of Her Majesty's colonies shall claim his discharge, and shall signify to the governor of such colony, through the commanding officer of the regiment in which he may be serving, his desire to remain in such colony, it shall be lawful for such governor, if he shall think fit, with the consent of such commanding officer, to permit such soldier to remain therein, and thereupon such soldier shall be finally discharged, and shall not be entitled to claim to be conveyed to England at the public charge at any future period.

If soldiers desire to remain in the colony, governor, &c. may permit them so to do.

7. And be it enacted, that if the term for which any non-commissioned officer or soldier shall have been enlisted or re-

If term of enlistment of soldier expire after

any offence committed, &c., he shall be deemed to be in the service till after trial, &c. for the same.

engaged, or for which his term of service may have been prolonged as aforesaid, shall expire after any offence committed by him, and before he has been tried or punished for the same, such non-commissioned officer or soldier shall, notwithstanding the expiration of his term of service, be deemed and taken to be still in Her Majesty's service, or in the service of the East India Company, as the case may be, for the purpose of undergoing his trial and punishment, but for no other purpose: Provided always, that no non-commissioned officer or soldier shall be so tried after the expiration of his service, except by a general or district or garrison court-martial.

If soldiers are absent from duty by reason of imprisonment, &c., such portion of time not to be reckoned as part of limited enlistment.

8. And be it enacted, that if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or soldier was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or soldier shall have

been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner shall, on his rejoining Her Majesty's service, or the service of the East India Company, be subjected to inquiry by a court-martial, and if it shall appear to the satisfaction of the court that he was taken prisoner through his own wilful neglect of his duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the court may by its sentence direct that all or any part of the time during which such non-commissioned officer or soldier shall have been so absent may be deducted from his term of service.

Act may be amended, &c

9. And be it enacted, that this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

QUESTIONS to be put by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your name?
2. In what parish, and in or near what town, and in what county, were you born?
3. What is your age?
4. What is your trade or calling?
5. Are you an apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to fits; or have you any disability or disorder which impedes the free use of your limbs, or unfits you for ordinary labour?
8. Are you willing to be attested to serve in the regiment of for the term of [*this blank to be filled up by the justices with ten years for infantry, and twelve for cavalry or artillery or other ordnance corps, if the person enlisted is of the age of eighteen years or upwards; but if under that age,*

then the difference between his age and eighteen is to be added to such ten or twelve years (as the case may be)], provided Her Majesty should so long require your services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station?

9. At what place, on what day, at what hour of the day, and by whom were you enlisted?
10. For what bounty did you enlist?
11. Have you any objection to make to the manner of your enlistment?
12. Do you now belong to the militia?
13. Do you belong to any other regiment, or to the marines, ordnance, or navy, or to the forces of the East India Company?
14. Have you ever served in the army, marines, ordnance, or navy, or in the forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's service, or for the service of the East India Company, upon any prior enlistment?

Note.—The justice is directed, in putting the twelfth question to the recruit, and before he receives his answer, distinctly to apprize the recruit that if he belongs to the militia, and denies the fact, he is liable to six months imprisonment.

Enlisting for service in Her Majesty's colonies.

Question 8. is to be put by the justice as follows:

8. Are you willing to be attested to serve in Her Majesty's colony of for the term of [*this blank to be filled up by the justices with ten years for infantry, and twelve for cavalry or artillery or other ordnance corps, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such ten or twelve years* (*as the case may be*)], provided Her Majesty should so long require your services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station?

Enlisting for either Her Majesty's or the East India Company's service.

Question 8. is to be put by the justice as follows:

8. Are you willing to be attested to serve in Her Majesty's army, or in the forces of the East India Company, according as Her Majesty shall think fit to order, for the term of [*this blank to be filled up by the justices with ten years for infantry, and twelve for cavalry or artillery or other ordnance corps, if the person enlisted is of the*

age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such ten or twelve years (as the case may be)], provided your services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station?

Enlisting for the East India Company's service.

Question 8. to be put by the justice as follows:

8. Are you willing to be attested to serve in the East India Company's *
for the term of [*this blank to be filled up by the justices with ten years for infantry, and twelve for cavalry or artillery or other ordnance corps, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such ten or twelve years (as the case may be)*], provided the said company should so long require your services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station?

* The blank to be filled up with the words infantry or artillery, as the case may be.

SCHEDULE (B.)

I, number do declare, that I am at present (*or* was, *as the case may be,*) in captain company in the regiment; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, [*or in the forces of the East India Company, as the case may be,*] for a further term of years [*to be filled up with eleven years in the infantry, and twelve in the cavalry or artillery or other ordnance corps, and, in the case of a soldier about to embark for foreign service, with such number of years as shall be required to complete a total service of twenty-one years in the infantry, or twenty-four in the cavalry or artillery or other ordnance corps*], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

Declared before me,

Signature of soldier.
Signature of witness.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1873.

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. XXXIV.

An Act for limiting the Period of Enlistment in Her Majesty's Army.

[20*th June* 1867.]

WHEREAS it is expedient to alter the periods of enlistment now in use in Her Majesty's land forces:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Twelve years the limit of enlistment.

1. From and after the passing of this Act no person shall be enlisted for the first term of his engagement to serve Her Majesty as a soldier for a longer period

than twelve years, to be reckoned from the day on which the recruit shall have been attested for service.

Renewal of enlistment.

2. Any person who now has or may hereafter have completed at least two thirds of the first term of his enlistment may at any time thereafter, with the approbation of his commanding officer or other competent military authority, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service.

Continuance in Her Majesty's service after twenty-one years therein.

3. Any soldier who shall have completed a total period of twenty-one years service may give notice to his commanding officer of his desire to continue in Her Majesty's service; and if his commanding officer or other competent military authority approves of such application he may be continued as a soldier, subject in all respects to the provisions of this Act and of the Mutiny Act and Articles of War, as if his term of service were still unexpired, until he shall have given three calendar months notice to his commanding officer of his wish to be discharged, and the expiration of such notice.

On expiration of enlistment, soldiers on foreign

4. Any soldier whose period of enlistment or of total service shall expire while he is serving on any foreign, colonial, or Indian station may be detained, and his

service may be prolonged, for such further period as shall be directed by the commanding officer at the station there, not exceeding twelve months; but at the expiration of such prolonged service, or sooner, if the said commanding officer shall see fit, the soldier shall, unless he desires to remain there, be sent home at the public charge as in the case of soldiers invalided, with all convenient speed, and after his arrival he shall be discharged.

Stations to be sent home.

5. If any such soldier being in any of Her Majesty's colonies or possessions abroad desires to remain and to claim his discharge there, he shall, if such be his desire, give notice thereof to the governor through the commanding officer, whereupon it shall be lawful for such governor, if he sees fit, with the consent of the commanding officer, to permit such soldier to remain in such colony as a discharged soldier, and such soldier shall have no claim thereafter to be conveyed to his home in the United Kingdom or elsewhere.

Unless he desires to remain in the colony or possession.

6. In reckoning the service of a soldier for discharge under the provisions of this Act there shall be excluded therefrom such periods of time during which he has been absent from his duty for any of the following causes: imprisonment for any cause, save that of detention awaiting

Rules for reckoning service.

any trial which results in the acquittal and discharge of the prisoner from custody, desertion or absence without leave, exceeding five days, or as a prisoner of war, unless in the latter instance it shall appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Discharge on completion of service.

7. Every soldier who shall have completed his period of service according to the provisions of this Act shall be entitled to his discharge, unless at the time of the expiration of such period of service he stands charged with the commission of any offence, in which case his period of service shall be prolonged, and his discharge deferred, until he shall have undergone his trial by court-martial, and any punishment awarded against him. Every soldier, until he has received his discharge, shall remain subject to all the provisions of any Act that may be in force for punishing mutiny and desertion, and any Articles of War made in pursuance thereof.

Repeal of 10 & 11 Vict. c. 37. and 12 & 13 Vict. c. 73. as to soldiers

8. After the passing of this Act every person enlisting or re-enlisting or any soldier re-engaging into Her Majesty's service shall be subject to the provisions of this Act; and the provisions of the

Act of the session holden in the tenth and eleventh years of Her Majesty's reign, chapter thirty-seven, intituled "An "Act for limiting the term of service in "the army," and of the Act of the session holden in the twelfth and thirteenth Victoria, chapter seventy-three, intituled "An Act to limit the enlistment in the "artillery and other ordnance corps," shall be then wholly repealed as to such persons and soldiers.

enlisted under this Act.

9. The forms to be used on the attestation of a soldier, and on renewing his service, or on re-engaging, under this Act, shall be such as are set forth in the schedule hereto, or as are prescribed in the Mutiny Act for the time being in force.

Forms of attestation.

10. Every person enlisting under this Act shall be enlisted for some particular arm or branch of service, and if he shall enlist for cavalry or infantry he shall be at liberty to declare and state the particular regiment of cavalry or infantry into which he desires to enlist, and he shall be attested for the same and be sent thereto with all convenient speed; but if no such statement or declaration be made by such person at the time of his attestation as aforesaid, then he shall be attested for general service, and it shall be lawful for the military authorities, at any time

Enlistment for particular arm of or for general service.

within twelve months after his attestation, to attach him to such regiment as to them shall seem to be most fitting and convenient for Her Majesty's service; provided always, that after the recruit shall have been attached to any regiment he shall not be removed or transferred therefrom save and except under the provisions of the Mutiny Act for the time being in force.

Short title.

11. This Act shall be cited as The Army Enlistment Act, 1867.

SCHEDULE referred to in the foregoing Act.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the parish of in the county of , do solemnly and sincerely declare, that to the best of my knowledge and belief I was born in the parish of (*a*) in or near the town of (*b*) in the county of (*c*) , and am years of age; that I am of the trade or calling of [*or* of no trade or calling, *as the case may be*]; that I am not an apprentice; that I am not married; that I do not belong to the militia, or to the naval coast volunteers, or to any portion of Her Majesty's land or sea forces; that I have never served Her Majesty by land or sea in any military or naval employment whatsoever, except ; that I have never been marked with the letter D; that I have

Note (*a*), (*b*), (*c*). These blanks need not be filled up if the recruit is unable to give the requisite information.

never been rejected as unfit for Her Majesty's service on any previous enlistment; that I was enlisted at on the day of 18 , at o'clock M. by of , and that I have read [*or* had read to me] the notice then given to me, and understood its meaning; that I enlisted for a bounty of and a free kit, and have no objection to make to the manner of my enlistment; that I am willing to be attested to serve in the regiment of [*instead of the words* "in the regiment," *any words may be substituted which are applicable to the case as in or for general service in that command or branch of the service for which the enlistment may be made*] for the term of twelve years, provided Her Majesty should so long require my services, and also for such further term, not exceeding twelve months, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of recruit.*

_____ *Signature of witness.*

DECLARATION to be made by a SOLDIER, or PERSON having been a SOLDIER, on renewing his service.

I do declare, that I am at present [*or* was, *as the case may be*,] in captain company in the regiment [*the foregoing portion of this declaration may be altered to suit each particular case*]; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, for a further term of years [*to be filled up with such number of years as shall be required to complete a total service of twenty-one years in the army*], provided my services should so long be required, and also for such further term, not exceeding twelve months, as shall be directed by the commanding officer on any foreign station.

Declared before me _____

_____ *Signature of soldier.*

_____ *Signature of witness.*

LONDON:
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Printers to the Queen's most Excellent Majesty. 1873.

33 & 34 VICTORIA.

CHAP. 67.

An Act to shorten the time of Active Service in the Army, and to amend in certain respects the Law of Enlistment.

[*9th August* 1870.]

WHEREAS it is expedient to shorten the period of army service of soldiers enlisted to serve in Her Majesty's army, and to establish a reserve force which may be called into active service in a time of emergency; and also to amend in certain respects the law of enlistment in Her Majesty's army:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Army Enlistment Act, 1870." Short title.

2. From and after the passing of this Act, no person shall be enlisted for the first Twelve years the

limit of enlistment.

term of his engagement to serve Her Majesty as a soldier for a longer period than twelve years, to be reckoned from the day on which the recruit is attested for service.

Terms of enlistment.

3. Enlistments under this Act shall be as follows: either

(1.) For the whole of the said period, in army service; or

(2.) For a portion of the said period, to be fixed from time to time by the Secretary of State and specified in the attestation paper, in army service, and for the residue thereof in the first class of the reserve force established under the provisions of the Reserve Force Act, 1867; but nothing in this clause shall interfere with the power of Her Majesty to enlist men for a less period than twelve years in army service alone.

Change of service.

4. The Secretary of State may from time to time by general or special regulations vary the conditions of service so as to permit a soldier who has served not less than three years in army service, with such soldier's free assent, either

(1.) To enter the reserve force at once for the residue unexpired of his term of twelve years; or

(2.) To extend his army service for the residue unexpired of his term of twelve years.

5. It shall be lawful for Her Majesty, in case of imminent national danger or of great emergency, the occasion being first communicated to Parliament if Parliament be then sitting, or declared by proclamation, in pursuance of an order of Her Majesty in Council, if Parliament be not then sitting, to direct that any soldier enlisted under this Act shall at any time within the period of twelve years for which he has been enlisted continue in or re-enter upon army service for such periods from time to time, not exceeding in the whole the unexpired residue of the term of his enlistment, as Her Majesty may determine; and upon such order being issued every soldier to whom it applies shall be bound to obey the same in the same manner as if it had formed part of this Act. When any such soldier is directed to re-enter upon army service under this section, it shall be lawful for the military authorities to attach him to any regiment of that arm or branch of the service in which he has previously served.

In imminent national danger, Her Majesty may continue soldiers in army service.

6. From and after the passing of this Act, all enlistments, except as herein-after mentioned, shall be for general service; and it shall be lawful for the military authorities to post any recruit so enlisted to any regiment or corps, and at any time within fifteen months after his attestation to direct him to be attached to any regiment or corps; but the Secretary of State

Enlistment for general service, &c.

may, from time to time, by any general or special regulations, permit recruits to be enlisted for particular regiments, and in such case they shall at once be attached to such regiments.

Effect of attachment to a regiment.

7. When a soldier has been attached to a regiment or corps he shall serve therein for the period of his army service; provided that it shall be lawful for the military authorities to transfer him to any regiment or corps of the same arm or branch of the service serving in the United Kingdom, in the following cases;

(1.) When he has been invalided from foreign service;

(2.) When, in the case of his regiment or corps being ordered on foreign service, he is either unfit for foreign service by reason of his health, or is within two years of the termination of the period of his army service, or of his enlistment, or of such re-engagement as is herein-after mentioned;

and to a regiment or corps of the same arm or branch of the service serving abroad, when, in the case of his regiment or corps being on foreign service, and ordered to return home, he has more than two years to serve previous to the termination of the period of his army service: Provided that the power of transfer in this case shall not apply to any man who enlists for the whole

of the period of twelve years in army service, or to any man who, having enlisted for a portion of the said period in army service, has extended his army service for the residue unexpired of his term of twelve years, or to any man who has re-engaged.

Provided also, that nothing in this section contained shall affect the powers of transferring soldiers contained in any Act for punishing mutiny and desertion, and for the better payment of the army and for their quarters, for the time being in force.

Re-engagement of soldiers.

8. Any soldier

(1.) Who being in army service has commenced the twelfth year from his first enlistment, or

(2.) Who being within three years of the expiration of his first enlistment and in army service has been ordered but has not yet proceeded on foreign service,

may, with the approval of his commanding officer or of some other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such further period of army service as will make up a total continuous period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment.

Limit of numbers.

9. The number of men serving in the militia reserve under the Militia Reserve

Act, 1867, and in the army reserve, first class, under the Reserve Force Act, 1867, and this Act, shall not exceed in the whole sixty thousand.

Continuance in Her Majesty's service after twenty-one years therein.

10. Any soldier who has completed a total period of twenty-one years service may give notice to his commanding officer of his desire to continue in Her Majesty's service; and if his commanding officer or any other competent military authority approve of such application he may be continued as a soldier in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

Prolongation of enlistment in certain cases.

11. Any soldier whose period of army service or whose whole period of enlistment, as the case may be, expires while a state of war exists between Her Majesty and any foreign power, or while he is serving on foreign service, or on any colonial or Indian station, may be detained and his service may be prolonged for such further period not exceeding twelve months as the Secretary of State or the commanding officer at the station may direct; but at the expiration of such prolonged service, or sooner, if the said Secretary of State or commanding officer see fit, such soldier shall be transferred to the reserve force or

discharged, as the case may be, and if serving abroad he shall, unless he desires to remain at the place where he is serving, be sent home at the public charge, with all convenient speed, and after his arrival he shall be transferred to the reserve force or discharged, as the case may be.

Rules for reckoning service.

12. In reckoning the service of a soldier for the purposes of discharge under the provisions of this Act, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes; that is to say,

1. Imprisonment; provided that imprisonment shall not for the purposes of this section include detention in respect of any trial which results in the acquittal or discharge of the prisoner.
2. Desertion.
3. Absence without leave exceeding five days.
4. Detention as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Discharge on completion of service.

13. Every soldier who has completed his period of service or of army service, according to the provisions of this Act, shall

be entitled to his discharge, or transfer to the reserve force, as the case may be, unless at the time of the expiration of such period of service he stands charged with the commission of any offence, in which case his discharge or transfer to the reserve force shall be deferred, until he has undergone his trial and any punishment awarded to him.

Provisions in Reserve Force Act, 1867, and Militia Reserve Act, 1867, as to calling reserve and militia into activeservice extended to cases of imminent national danger.

14. Whereas by the Reserve Force Act, 1867, section ten, it is provided that in case of actual invasion or imminent danger thereof, or in case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty by proclamation to direct that the reserve force by that Act constituted, or such part thereof as Her Majesty may think fit, be called out on permanent service:

And whereas by the Militia Reserve Act, 1867, section eight, it is provided that whenever a state of war exists between Her Majesty and any foreign power, and in all cases of actual invasion or imminent danger thereof, it shall be lawful for Her Majesty to order that the men enlisted under the said Act or such of them as Her Majesty may judge necessary shall enter upon army service:

30 & 31 Vict. c. 110. s. 10. 30 & 31 Vict. c. 111. s. 8.

And whereas it is expedient to assimilate the conditions under which men of the reserve force established under the said Acts of one thousand eight hundred and

sixty-seven may be called to enter upon army service to those under which men enlisted under this Act may be directed to continue in or re-enter upon army service: Be it enacted as follows:

1. Section ten of the Reserve Force Act, 1867, shall be construed as if the words "in case of imminent national "danger or of great emergency, the "occasion being first communicated "to Parliament if Parliament be "then sitting, or declared by pro- "clamation," were inserted in the said section in place of the words "in case of actual invasion or im- "minent danger thereof, or in case "a state of war exists between Her "Majesty and any foreign power:"
2. Section eight of the Militia Reserve Act, 1867, shall be construed as if the words "in case of imminent "national danger or of great emer- "gency, the occasion being first "communicated to Parliament if "Parliament be then sitting, or "declared by proclamation," were inserted in the said section in place of the words "whenever a state of "war exists between Her Majesty "and any foreign power, and in all "cases of actual invasion or im- "minent danger thereof."

Provided that nothing in this section contained shall affect any person enlisted under

the said Acts of one thousand eight hundred and sixty-seven before this Act comes into operation, except with his own consent.

Soldiers who have exceeded the first term of their engagement may be enrolled in reserve.

15. From and after the passing of this Act any soldier who is serving or has served in any of Her Majesty's regular forces, and whose service (or past service) has exceeded the first term of his enlistment, may be enrolled to serve in the first class of the reserve force established under the Army Reserve Act, 1867; provided that no such soldier is when so enrolled above the age of thirty-four years.

Power of Secretary of State to issue orders and forms.

16. The Secretary of State may from time to time issue such orders and forms for enlisting recruits and for otherwise carrying into effect this Act as he thinks expedient, and any orders and forms so issued shall be of the same force as if expressly enacted in this Act.

Saving of provisions of Acts relating to enlistment.

17. All provisions of any Act of Parliament for the time being in force relating to the enlistment of recruits for Her Majesty's army shall, in so far as they are not inconsistent with this Act, be deemed to be incorporated with this Act, and to apply accordingly to any enlistments made in pursuance of this Act.

Application of Act to men under Army Enlistment Act, 1867.

18. This Act shall apply to men serving for the first term of their enlistment under the Act of the session holden in the tenth and eleventh years of Her Majesty's reign,

chapter thirty-seven, intituled "An Act "for limiting the term of service in the "army," and the Army Enlistment Act, 1867, in the same manner as if they had been enlisted under this Act; provided that this Act shall not be applied to any man enlisted under such last-mentioned Act, except with his own consent.

Training of first class of reserve force.

19. The Secretary of State may from time to time make regulations for the training of persons serving in pursuance of this Act in the first class of the reserve force in such manner and during such periods as he may consider to interfere as little as possible with their ordinary trades or occupations, and as do not exceed in any one year twelve whole days or twenty drills.

Service of notices on reserve force.

20. The Secretary of State may require the chief officer of police in every district in the United Kingdom to cause to be served within his district any notice the Secretary of State may desire to be served on any members of the reserve forces in such district; and all officers and men of every police force shall conform to the orders of the said Secretary of State in relation to the service of such notices given through such officer.

"The reserve forces" shall mean the army reserve, the militia reserve, and any other reserve forces as defined by Act of Parliament, also the militia, yeomanry, volunteers, and any other land forces what-

ever within the United Kingdom, serving or liable to be called upon to serve Her Majesty in any military capacity and not forming part of the regular army.

Repeal.

21. From and after the passing of this Act, section eight of the Reserve Force Act, 1867, and all enactments inconsistent with this Act, shall be repealed.

Definition of Secretary of State.

22. The Secretary of State shall mean any one of Her Majesty's Principal Secretaries of State.

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ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. LVII.

An Act to consolidate and amend the Acts relating to the payment of Regimental Debts, and the distribution of the Effects of Officers and Soldiers in case of Death, and to make like provision for the cases of Desertion and Insanity, and other cases. [21*st July* 1863.]

WHEREAS it is expedient to consolidate and amend the provisions now in force relating to the payment of regimental debts, and the distribution of the effects of officers and soldiers dying on service, and those provisions having been found beneficial, it is also expedient to make like provision for the security and application of the effects of deserters and others, and of officers and soldiers be-

coming insane on service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as The Regimental Debts Act, 1863.

Interpretation of terms.

2. In this Act—

The term "officer" means (except where it is otherwise expressed) a commissioned officer of Her Majesty's army, or of Her Majesty's Indian army:

The term "soldier" means (except where it is otherwise expressed) a soldier of Her Majesty's army, or a European soldier of Her Majesty's Indian army, including a warrant and a non-commissioned officer:

The term "representation" includes probate, and letters of administration, with or without will annexed, and the corresponding documents or acts in use according to the law of Scotland, or other law in force in any place where this Act operates:

The term "representative" means any person taking out representation:

The term "the Secretary of State for War" means such one of Her Majesty's Principal Secretaries of State for the time being as Her Majesty thinks fit to intrust with the seals of the War Department:

The term "India" means the territories for the time being vested in Her Majesty under the Act of the year 1858, "for the better government of India:" 21 & 22 Vict. c. 106.

The term "the Secretary of State for India in Council" means One of Her Majesty's Principal Secretaries of State acting with the Council of India under that Act:

The term "person" includes a corporation and any body of persons.

Repeal of enactments in schedule.

3. The enactments described in the schedule to this Act shall be repealed; but this repeal shall not affect the past operation of any such enactment, or anything already done, or any right, title, obligation, or liability already accrued thereunder, or any remedy or proceeding for the enforcement thereof.

PART I.—Death on service.

Preferential Charges.

Definition of preferential charges on

4. Where an officer or soldier dies on service, the following classes of expenses

property,— military debts, &c.

and debts incurred and owing by him or on his account shall, for the purposes of this Act, be considered preferential charges on his personal property, and be payable thereout in preference to all other debts and liabilities, and, as among themselves, in the following order:—

(1.) Expenses of last illness and funeral:

(2.) Military debts, namely, sums due in respect of—

Quarters;

Mess, band, and other regimental accounts;

Military clothing, appointments and equipments, not exceeding a sum equal to six months' pay of the deceased, and having become due within eighteen months before his death;

including sums due to any agent or to any paymaster, quartermaster, or other officer, on any such account, or on account of any advance made for any such purpose;

to which shall be added, where the death occurs out of the United Kingdom,—

(3.) Servants' wages, not exceeding two months' wages to each servant:

(4.) Household expenses incurred within a month before the death, or after the last issue of pay to the deceased, whichever is the shorter period.

Surplus only of personal estate to be deemed personal estate.

5. The surplus only of the personal property of an officer or soldier dying on service, remaining over after payment of preferential charges, shall be considered personal estate of the deceased, with reference to the calculation of probate duty, or of any other tax or per-centage, or for any of the purposes of administration or distribution.

Questions respecting amount, payment, &c. of preferential charges to be decided by Secretary of State, or in India by military secretary to government of presidency.

6. If in any case a doubt or difference arises as to any particular expense or debt being a preferential charge, or not,—or as to any alleged preferential charge having been in fact incurred, or being due, in the whole or in part, or not,—or as to the priority among or payment of any preferential charges, where the property is insufficient to pay all in full, or where those of one class exceed the amount allowed for that class,—or otherwise in relation to any preferential charge or the payment thereof,—the decision of the Secretary of State for War, where the death occurs elsewhere than in India, and of the military secretary to the government of the presidency in which the deceased was quartered, where the death occurs in India, or of such officer or person as the Secretary of State or military secretary respectively deputes by writing under his hand to act for him in this behalf, shall be final, and shall be binding on all persons for all purposes.

Collection and Disposal of Effects.

On death of officer or soldier on service, committee of officers to secure effects.

7. Immediately on the death of an officer or soldier on service, such committee of officers as may be prescribed by royal warrant, according to the circumstances of different cases, herein-after called the committee of adjustment, shall secure all such of his effects as—

Where the death occurs in the United Kingdom, are in camp or quarters; and

Where the death occurs out of the United Kingdom, are within the station, colony, or command.

If preferential charges not paid, power to committee to sell and convert effects, and to get in credits, and, after payment of expenses, to secure surplus.

8. Provided, that if the representative of the deceased, or his widow (if any), or any of his next of kin, pays in full the preferential charges, the committee of adjustment shall not further interfere in relation to the property.

If such payment is not made, then, within one month after the death, the committee of adjustment may and shall, without any representation taken out, and as if they were the representatives of the deceased, and to the exclusion of all other authorities and persons whomsoever, sell or convert into money such parts of the effects of the deceased as do not consist of money,—and also where the death occurs out of the United Kingdom get in and give

receipts (which shall be effectual discharges) for all or any of the credits forming part of the estate of the deceased, and being payable or recoverable in India or in the colony or possession in which the deceased was quartered (as the case may be), and, if they think fit, sue for and recover any of such credits,—and, after paying thereout the expenses attending the discharge of their duties, shall pay thereout the preferential charges, and secure the surplus of the effects, or effects and credits, as the case may be, remaining over after all such payments.

In India, power for committee to deliver over effects to administrator general.

9. Where the death occurs in India, the committee of adjustment may, in such cases, under such circumstances, and at such time or times, as may be prescribed by royal warrant, according to the circumstances of different cases, deliver over the effects secured by them to the administrator general for the presidency in which the deceased was quartered.

Disposal of Surplus.

Remittance of surplus by committee.

10. The committee of adjustment shall, according to the circumstances of the case, remit or lodge the surplus aforesaid to or in the hands of such paymaster or other officer or person, at such time or times, in such manner, and together with such accounts, vouchers, reports, and

information, as may be prescribed by royal warrant.

As to the payment of surplus where deaths occur in India or elsewhere.

11. Where the death occurs elsewhere than in India, or the death occurs in India, the deceased being (in the latter case) a soldier of Her Majesty's army, then the paymaster or other officer or person aforesaid shall dispose of the surplus as follows:—

(1.) Where the amount exceeds one hundred pounds, he shall pay it over to the representative of the deceased, if present at head quarters, and if there is none, shall forthwith remit it to the Secretary of State for War:

(2.) Where the amount does not exceed one hundred pounds, it shall not be necessary for any purpose that representation to the deceased be taken out, but if representation is taken out, such paymaster or other officer or person shall pay the amount over to the representative, if present at head quarters:

(3.) Where the amount does not exceed one hundred pounds, and representation is not taken out, then such paymaster or other officer or person shall dispose of the amount, or part thereof, (in such manner as may be prescribed by royal warrant for such cases,) for the benefit of the widow and of the children or other near relatives (if

any) of the deceased, or of some of such persons, being present at head quarters; and if there are no such persons, or any part of the amount aforesaid is not so disposed of for their benefit, he shall forthwith remit the whole amount, or the part thereof not so disposed of, (as the case may be,) to the Secretary of State for War.

Provision where death occurs in India, the deceased not being a soldier.

12. Where the death occurs in India, the deceased not being a soldier of Her Majesty's army, the following provisions shall take effect:—

(1.) The paymaster or other officer or person aforesaid shall, as soon as may be after receiving the surplus aforesaid, publish such notice (stating the amount of the surplus, and other particulars respecting the deceased and his property,) as may be prescribed by royal warrant, together with a notice stating that all claims by creditors against the property of the deceased are to be lodged with such paymaster or other officer or person, who shall retain the surplus for two months after the first publication of such gazette notice as aforesaid, and shall receive and record all claims lodged with him accordingly:

(2.) If claims are so lodged, not exceeding in the whole such absolute amount, or such proportion of the

surplus, as may be prescribed by royal warrant, according to the circumstances of different cases, then such paymaster or other officer or person shall, at the expiration of the said two months, proceed to discharge the demands of the claimants who have lodged claims with him, unless under the special circumstances of the case of the deceased it appears to him inexpedient or unjust to do so:

(3.) In that case, or in case the claims lodged exceed in the whole the absolute amount or the proportion aforesaid, then such paymaster or other officer or person shall, without discharging those claims, or any of them, transfer the surplus aforesaid to the administrator general for the presidency:

(4.) Where such paymaster or other officer or person does not so transfer the surplus, he shall dispose thereof, or of so much thereof as remains after the discharge of any claims, as follows:

Where the amount exceeds one hundred pounds, he shall pay it over to the representative of the deceased in India, if any;

Where the amount does not exceed one hundred pounds, it shall not be necessary for any purpose that representation to the deceased be

taken out in India, but if representation is taken out there, such paymaster or other officer or person shall pay the amount over to the representative in India;

Where the amount does not exceed one hundred pounds, and representation in India is not taken out, such paymaster or other officer or person shall dispose of the amount, or part thereof, in India, (in such manner as may be prescribed by royal warrant for such cases,) for the benefit of the widow and of the children or other near relatives (if any) of the deceased, or of some of such persons, being in India:

(5.) Subject to the foregoing provisions, such paymaster or other officer or person shall, at the expiration of such time, not exceeding in any case six months, as may be prescribed by royal warrant, remit the surplus, or so much thereof as remains in his hands after discharging any claims, from India to England, as follows,—

In the cases of officers of Her Majesty's army constituting the staff corps of the three presidencies, and in the cases of officers and European soldiers of Her Majesty's Indian army, to

the Secretary of State for India in Council,—

In other cases, to the Secretary of State for War.

Disposal of Residue by Secretary of State.

On receipt of surplus at War or India Office, notices to be published in London Gazette, &c. as to amount to credit of deceased, and other particulars.

13. The Secretary of State for War, or the Secretary of State for India in Council, as the case may be, on receiving any such surplus or part of a surplus as is herein-before directed to be remitted, shall cause an account to be made up, as soon as may be, of the total amount to the credit of the deceased, including the amount of the surplus or part of a surplus so remitted, together with all arrears of pay, batta, grants, and other allowances in the nature thereof, and thereupon shall cause to be published, as soon as conveniently may be, in the London Gazette, and also in any newspaper or otherwise as may seem fit, a notice stating the total amount to the credit of the deceased as aforesaid, herein-after called the residue, and such other particulars respecting the deceased and his property as may seem fit, together with a notice stating the mode in which any application respecting the residue is to be made to the Secretary of State for War, or to the Secretary of State for India in Council, as the case may be.

14. Where the residue exceeds one hundred pounds, the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, shall dispose of the residue by paying it over to the representative of the deceased.

Residue exceeding 100*l.* to be paid to representative of deceased.

15. Where the residue does not exceed one hundred pounds, it shall not be necessary for any purpose that representation to the deceased be taken out, but in any case the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may, if it seems fit, require representation to be taken out; and if, on that requisition or otherwise, representation is taken out, then he shall dispose of the residue by paying it over to the representative.

Residue not exceeding 100*l.* to be paid to representative, if any.

16. Where the residue does not exceed one hundred pounds and representation is not taken out, then, after the expiration from the first publication of the required notice in the London Gazette, of three months in the case of an officer, and of one month in the case of a soldier, the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, shall dispose of the residue as follows:—

Where residue does not exceed 100*l.*, and no representation, War or India Office empowered to pay it over for benefit of widow, &c., or to invest it for benefit of children, &c.

(1.) He shall, if he thinks fit, pay the residue over to any person showing herself or himself, to the satisfaction

of the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, to be the widow of the deceased, or to be the child or any relative of the deceased, or to be entitled to take out representation to the deceased,—to the end that the residue may be applied by the person to whom it is so paid over in a due course of administration, and the same shall be so applied accordingly (for which application the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may require such security as seems fit):

(2.) Or else, where the deceased leaves any child or near relative him surviving, the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, shall retain the residue in his hands on behalf of such child or near relative, and shall invest the residue, or any part thereof, in such manner as may be prescribed by royal warrant, and shall apply the sums invested, and the income thereof, or any part thereof respectively, from time to time, for the maintenance, education, or advancement, or otherwise for the benefit, of such child or near relative, in such manner as may seem fit, subject to such regulations as may be laid down by royal warrant.

Debts.

17. Notwithstanding anything herein-before contained, where the residue does not exceed one hundred pounds, and representation to the deceased is not taken out, the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, shall, before disposing of the residue or any par thereof, in manner aforesaid,—or after so disposing of the residue or any part thereof, if and so far as the disposition thereof is capable of revocation,—apply the residue, or so much as may be requisite, in or towards payment of any debt of the deceased of which he has notice, subject to the following conditions: Provision in last-mentioned case for payment of debts out of residue.

First. — That the debt accrued due within three years before the death:

Second.—That payment of it is claimed within two years after the death:

Third.—That the claimant proves the debt to the satisfaction of the Secretary of State for War, or of the Secretary of State for India in Council, as the case may be.

Any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money that may, under this Act, be in the hands of the Secretary of State for

War, or of the Secretary of State for India in Council, by any means or proceedings whatever except by means of a claim lodged with such Secretary of State, and proceedings thereon, under and according to this Act.

Nothing in the present section shall prejudicially affect the claim of any creditor in respect of a debt incurred before the commencement of this part of this Act.

Undisposed-of Residues.

Residues undisposed of for six years to be applied towards compassionate fund.

18. If in any case the residue or any part thereof remains, for one year after the first publication of the required notice in the London Gazette, in the hands of the Secretary of State for War, or of the Secretary of State for India in Council, as the case may be, undisposed of or unappropriated, then as soon as conveniently may be after the end of that year the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, shall cause to be published in the London Gazette a notice similar to the original required notice, mutatis mutandis, and so for six successive years from the publication of the original notice; and if in any case the residue, or any part thereof, remains in the hands of the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, undisposed of or unappro-

priated for six months after the publication of the last of such required notices in the London Gazette, then at the expiration of the said six months he shall apply the same, together with any income or accumulations of income accrued therefrom, in such manner in or towards the creation or maintenance of such compassionate or other fund for the benefit of widows and children or other near relatives of soldiers dying on service, as may be prescribed by royal warrant.

Provided, that the application under the present section of any residue, or part of a residue, undisposed of or unappropriated as aforesaid, shall not be deemed to bar any claim of any person to the same, or any part thereof, that may be established at any time after such application.

Medals and Decorations.

Medals and decorations excepted;

19. Medals and decorations belonging to an officer or soldier dying on service shall not be considered to be comprised in the personal estate of the deceased with reference to the claims of creditors or for any of the purposes of administration under this Act or otherwise; and, notwithstanding anything in this or any other Act contained, the same, when secured by the committee of adjustment, shall be held and disposed of according to regulations laid down by royal warrant.

to be disposed of according to royal warrant.

Exception as to Regimental Paymasters.

Special provision for case of death of regimental paymaster.

20. The case of a regimental paymaster dying on service shall, notwithstanding anything herein-before contained, be provided for as follows:—

(1.) That case shall be deemed wholly excepted out of the foregoing provisions of this Act, save so far as they define and give preference to and regulate the payment of and provide for decisions respecting preferential charges, and as they relate to the duties and powers of the committee of adjustment, and to medals and decorations:

(2.) The duties and powers of the committee of adjustment in relation to the property shall nevertheless, in the case of a regimental paymaster, be deemed to arise in full, immediately and unconditionally on the death, and to continue notwithstanding the payment of the preferential charges by any person;

(3.) Money in the possession or under the control of a regimental paymaster at his death shall not be considered to be comprised in his effects for the purposes of this Act:

(4.) The surplus in the hands of the committee of adjustment shall, in the case of a regimental paymaster, be dealt with by them as may be prescribed by royal warrant, and not according to the foregoing provisions of this Act.

Administrators General and other Official Administrators.

Restriction on interposition of official administrators.

21. An administrator general for a presidency in India, or a registrar of any court in India or in any of Her Majesty's colonies or possessions abroad, or any other official administrator, notwithstanding any law regulating his office independently of this Act, shall not interpose in any manner in relation to any property of an officer or soldier dying on service, except in the cases expressly provided for in this Act, or unless expressly required to do so by a committee of adjustment, or some other officers or persons, acting under this Act.

Duties of administrators.

Where, under this Act, any property comes to the hands of any such administrator general, registrar, or other official administrator, he shall administer the same in accordance with the provisions of this Act relating to preferential charges, and the other provisions of this Act, and, subject thereto, according to the law

regulating his office independently of this Act.

Where any money coming, under this Act, to the hands of any such administrator general remains in his hands after discharge of all debts and liabilities, he shall remit the same to the Secretary of State for India in Council at such time and in such manner as he directs, to be retained or to be paid over to the Secretary of State for War, as the case may require, and to be disposed of, according to the provisions of this Act, as the residue or part of the residue of the property of the deceased.

An administrator general shall not be entitled to take, and it shall not be lawful for him to take, a per-centage on the property of an officer or soldier dying on service, exceeding three per centum on the gross amount coming to his hands, if preferential charges have been previously paid, or on the gross amount remaining in his hands after payment by him of preferential charges, as the case may be.

Miscellaneous.

Money remitted not to be assets in place where remitted to.

22. Any property of an officer or soldier dying on service coming, under this Act, to the hands of any paymaster or other officer or person, shall not, by reason of so coming, be deemed assets or effects at

the place in which that paymaster or other officer or person is stationed or resides, and it shall not be necessary by reason thereof that representation should be taken out in respect of that property for that place.

Where, under this Act, any such property is to be paid or delivered over to the representative of a deceased officer or soldier or other person entitled to receive the same,—

if such payment or delivery is to be made in India, then the military secretary to the government of the presidency in which the deceased was quartered,—

and if such payment is to be made elsewhere than in India, then the Secretary of State for War, or the Secretary of State for India in Council, as the case may be,—

may order that such property be transmitted to any other place where the same can be more conveniently paid or delivered over as aforesaid; and the obedience to any such order by any paymaster or other officer or person in whose hands such property is, shall be a sufficient discharge to him, and he shall not be liable in any manner by reason of such property having been in his hands and having been transmitted under any such order.

Deduction of arrears of subscription to military and orphan funds.

23. Nothing in this Act shall be deemed to prevent the Secretary of State for India in Council, on the death of an officer of Her Majesty's Indian army, from deducting in the pay office from any arrear of pay due to the deceased the amount of any arrears of subscription due by the deceased to the military and orphan funds, or either of them.

Exemptions from duty.

24. The personal estate of an officer or soldier dying on service in India, not exceeding one hundred pounds after payment of preferential charges, and administered and disposed of under this Act without representation being taken out, shall not be liable to the payment of any duty either in India or in the United Kingdom; but this provision shall not affect any exemption from duty existing independently hereof.

Creditor administering not entitled to claim property.

25. A creditor, as such, shall not be deemed a person entitled to take out representation to the deceased within the meaning of this part of this Act; nor shall a creditor taking out representation as such be entitled by virtue of such representation to claim from the Secretary of State for War, or the Secretary of State for India in Council, any part of the property of the deceased.

Deposit in Court of Probate, &c. of original wills in hands of Secretary of State and declarations of intestacy.

26. Where any original will of an officer or soldier dying on service comes to the hands of the Secretary of State for War, or of the Secretary of State for India in Council, and representation under the same is not taken out, then the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may cause the same to be deposited as follows:

Where the domicil of the testator was in England, or in India, or in any of Her Majesty's colonies or possessions abroad, or in any foreign country, then in the place for the time being appointed in London or Middlesex for the deposit of original wills brought into the Court of Probate:

Where the domicil of the testator was in Ireland, then in the place for the time being appointed in Dublin for the deposit of original wills brought into the Court of Probate:

Where the domicil of the testator was in Scotland, then in the office of the commissary clerk of the commissary court of the county of Edinburgh.

Where an officer or soldier dies on service intestate, and under this Act any residue of his property comes to the hands of the Secretary of State for War, or of the Secretary of State for India in Council, for disposal, and representation

to the deceased is not taken out, then the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may, if it seems fit, cause a declaration of the intestacy of such officer or soldier to be deposited in the place or office where the original will of such officer or soldier (if any) would be deposited as aforesaid.

In every such case the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may cause to be deposited together with such original will or declaration of intestacy an inventory showing the personal property of the deceased, and the application thereof, as far as the same may be known.

Where the original will of any officer or soldier who has before the commencement of this part of this Act died on service is in the hands of the Secretary of State for War, or of the Secretary of State for India in Council, he may, if it seems fit, at any time cause the same to be deposited in the place or office where the original will of such officer or soldier would be deposited as aforesaid if he had died after the commencement of this part of this Act.

Every such original will, declaration of intestacy, and inventory shall be preserved and dealt with, and may be inspected, subject and according to any

general or other rules or orders for regulating such preservation, dealing, and inspection, and for fixing any fees to be payable in respect thereof, as may be from time to time made in that behalf by the court, judge, or other authority empowered to make general or other rules or orders for like purposes in relation to other documents deposited in the same place or office.

PART II.—Desertion and other Cases.

On desertion, committee of officers to sell effects, and pay expenses.

27. In every case of desertion, such committee of officers as may be prescribed by royal warrant, according to the circumstances of different cases, herein-after called the committee of adjustment, shall immediately secure all such of the deserter's effects as—

Where the desertion occurs in the United Kingdom, are in camp or quarters; and

Where the desertion occurs out of the United Kingdom, are within the station, colony, or command;

and shall forthwith make an inventory thereof, and shall, within three months after the desertion, sell or convert into money such parts of the deserter's effects as do not consist of money, and thereout pay the expenses attending the execution of the provisions of the present section.

Application of surplus.

28. The surplus remaining after such payment shall be liable to be applied in or towards payment of any such expenses and debts incurred and owing by the deserter as would, under Part I. of this Act, be preferential charges on his personal property in case he had died on service, with the like preference, in the like order, and subject to the like provision for decision of doubt or difference, as would in that case apply, as nearly as may be, mutatis mutandis.

The committee of adjustment shall apply the same accordingly, and then shall dispose of any property remaining in their hands according to regulations laid down by royal warrant.

Absence without leave.

29. For the purposes of this part of this Act, absence without leave for twenty-one days shall be deemed included in the term desertion.

Act to apply to apprentices and felons.

30. The provisions of this part of this Act shall apply, as nearly as may be, mutatis mutandis, in the case of a soldier delivered up as an apprentice, or convicted of felony.

PART III.—Insanity.

In case of insanity, committee of officers to secure effects.

31. Where an officer or soldier is removed, put on half pay, or discharged, on the ground of insanity, such committee of officers as may be prescribed by royal warrant, according to the circumstances of different cases, herein-after called the committee of adjustment, shall immediately secure all such of his effects as—

Where the insanity occurs during service in the United Kingdom, are in camp or quarters; and

Where the insanity occurs during service out of the United Kingdom, are within the station, colony, or command.

Liability of effects to be applied as for payment of preferential charges.

32. The effects of such an officer or soldier shall be liable to be applied in or towards payment of any such expenses and debts incurred and owing by him as would, under Part I. of this Act, be preferential charges on his personal property in case he had died on service, with the like preference, in the like order, and subject to the like provision for decision of doubt or difference, as would in that case apply, as nearly as may be, mutatis mutandis.

If preferential charges not paid, power for

33. If any person who would, if such officer or soldier were dead, be entitled to take out representation to him (otherwise

committee to sell and apply proceeds.

than as a creditor), or his wife (if any), or any near relative, pays in full the expenses and debts aforesaid, the committee of adjustment shall not further interfere in relation to the property.

If such payment is not made, then, within one month after the removal, putting on half pay, or discharge, is known at the quarters where the effects are, the committee of adjustment may and shall sell or convert into money such parts of the effects as do not consist of money, and, after paying thereout the expenses attending the discharge of their duties, shall pay thereout the expenses and debts aforesaid, and shall dispose of any property then remaining in their hands as may be prescribed by royal warrant, to the end that the same may be applied for the benefit of the officer or soldier to whom it belongs.

Power to War or India Office to apply officer's half pay, in case of insanity, for his benefit.

34. Where an officer is put on half pay on the ground of insanity, the Secretary of State for War, or the Secretary of State for India in Council, as the case may be, may, if it seems fit, pay to the person charged with the care and maintenance of such officer all or any part of his half pay, to be applied for his care and maintenance.

PART IV.—General Provisions.

Validity of payments, sales, &c. under this Act.

35. Every payment or application of money, and every sale or other disposition of property, made by the Secretary of State for War, or by the Secretary of State for India in Council, or by any committee of adjustment, or by any paymaster or other officer or person, in pursuance of this Act, or of any royal warrant for carrying this Act into effect, shall be good and valid as against all persons whomsoever; and every such Secretary of State, and every officer belonging to any such committee, and every such paymaster, officer, or person as aforesaid, shall be, by virtue of this Act, absolutely discharged from all liability in respect of the money or other property so paid, applied, or disposed of.

Indemnity to officers and others acting under it.

Further regulations by royal warrant.

36. Her Majesty may from time to time, by warrant under the royal sign manual, do all such things as are hereinbefore directed or authorized to be done by royal warrant, and also prescribe such regulations as may seem fit for the better execution of any of the purposes of this Act.

Every royal warrant made under this Act shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then sitting, and if not, then within fourteen

days after the commencement of the next sitting of Parliament.

Commencement of Act.

37. This Act shall, with respect to the making of any royal warrant under it, take effect from its passing, and in all other respects shall take effect from the time appointed for its commencement in the royal warrant first made under it.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
58 Geo. 3. c. 73.	An Act for regulating the payment of regimental debts and the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to soldiers.	Sections one, two, and three.
6 Geo. 4. c. 61.	An Act to amend two Acts; of the fifty-eighth year of His late Majesty, for regulating the payment of regimental debts and the distribution of the effects of officers and soldiers dying in service, and the receipt of sums due to soldiers; and of the fourth year of His present Majesty, for punishing mutiny and desertion of officers and soldiers in the service of the East India Company.	The whole.
11 Geo. 4. & 1 Will. 4. c. 41.	An Act to make further regulations with respect to army pensioners.	Section five, except as to pension or prize money.
20 & 21 Vict. c. 66. -	An Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, and for regulating in such service the payment of regimental debts and the distribution of the effects of officers and soldiers dying in the service.	Sections sixty-one to sixty-six, both inclusive.
26 & 27 Vict. c. 8. -	An Act for punishing mutiny and desertion, and for the better payment of the army and their quarters.	Sections ninety-eight to one hundred and two, both inclusive.

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Printers to the Queen's most Excellent Majesty. 1873.

VICTORIA R.

ROYAL WARRANT AND REGULATIONS

UNDER THE

REGIMENTAL DEBTS ACT, 1863.

WHEREAS it is by the Regimental Debts Act, 1863, enacted (among other things) that we may from time to time by warrant under our royal sign manual do all such things as are in that Act directed or authorized to be done by royal warrant, and also prescribe such regulations as may seem fit for the better execution of any of the purposes of the Act: 26 & 27 Vict. c. 57.

And whereas it is by the same Act further enacted, that the Act should, with respect to the making of any royal warrant under it, take effect from its passing, and in all other respects should take effect from the time appointed for its commencement in the royal warrant first made under it; and no such warrant has heretofore been made:

Now, therefore, we do, by this warrant under our royal sign manual, in pursuance

of the said Act, and by virtue and in exercise of the powers thereby vested in us, and of every other power enabling us in this behalf, declare it to be our will and pleasure—

1. That this our royal warrant, and the regulations hereunto annexed, to be administered and interpreted by our Secretary of State for War and our Secretary of State for India in Council (as the case may require), shall, subject to and in conjunction with the Regimental Debts Act, 1863, be the sole and standing authority on the matters in these our royal warrant and regulations comprised.

2. That the Regimental Debts Act, 1863, and these our royal warrant and regulations, shall commence and take effect on the first day of March 1865.

3. That where and so far as the Regimental Debts Act, 1863, or these our royal warrant and regulations, do not particularly prescribe the manner in which any sum of money is to be disposed of or invested, then and in every such case, until by further warrant under our royal sign manual we otherwise direct, the same shall be disposed of or invested as the same would have been disposed of or invested if the Regimental Debts Act, 1863, had not been passed.

4. That until by further warrant under our royal sign manual we otherwise direct, medals and decorations belonging to an officer or soldier dying on service shall be disposed of as our Secretary of State for War may, according to the circumstances of different cases, think fit.

Given at our court at St. James's, the 30th day of September 1864, in the twenty-eighth year of our reign.

By Her Majesty's command,

DE GREY AND RIPON.

REGULATIONS.

Preliminary.

1. Terms used in these regulations have the same meanings as they have when used in the Regimental Debts Act, 1863.

I.—DEATH.

(*Section 7. of the Act.*)

2. Where the deceased was an officer employed on the staff, the committee of

adjustment is to consist of two officers to be appointed by the officer commanding on the station, one of whom is to be, if practicable, a field officer.

3. Where the deceased was an officer not employed on the staff, the committee of adjustment is to consist of the major of the regiment or the officer doing the major's duty in his absence, and two other officers of the regiment not under the rank of captain (unless officers of that rank or of the regiment cannot conveniently be had), to be appointed by the commanding officer of the regiment or by the officer commanding on the station.

4. Where the deceased was a soldier, the committee of adjustment is to consist of the officer commanding the troop or company to which the deceased belonged, and two other officers of the regiment to be appointed by the commanding officer.

(*Section* 8. *of the Act.*)

5. The committee of adjustment are in all cases, as soon as practicable after the death, to make an inventory of the property, and an account of the debts and credits, of the deceased.

6. The inventory and account are to be made in duplicate, on the forms supplied, and each of the duplicates is to be certified by the committee of adjustment.

One of the duplicates is to be dealt with as hereafter in these regulations directed.

Where the death occurs in India, the second of the duplicates is to be sent to the military secretary to the government of the presidency in which the deceased was quartered, and is to be delivered by him to the administrator general for the presidency, in cases where § (3.) of section 12 of the Act applies, and is to accompany the remittance of the surplus in cases where § (5.) of the same section applies.

Where the death occurs elsewhere than in India, the second of the duplicates is to be kept with the regimental or other proper records.

7. The effects secured are to be kept in a place of security until duly sold or otherwise disposed of.

8. The effects secured are to be disposed of at fair and open auction at the most favourable opportunity, in the case of an officer, in the presence of a member of the committee of adjustment, and in the case of a soldier, in the presence of

the officer commanding the troop or company.

9. The practice of employing a non-commissioned officer in selling by auction such of the effects of a deceased officer or soldier as are not otherwise disposed of is to be adhered to only in cases in which it appears to be most advantageous for the estate of the deceased.

When much trouble and responsibility are thrown upon the man by his being so employed, a commission, payable out of the effects, at a rate varying from two to five per cent. on the amount of the produce of the sale, according to the greater or less degree of trouble and responsibility thereby caused, may be paid to him, and charged in the statement of the accounts of the deceased, the man's receipt for the amount being annexed thereto, together with the certificate of the commanding officer that his employment as auctioneer was most advantageous for the estate, and that the duties performed by him justify the remuneration charged.

10. Where the committee of adjustment withdraw from interference in relation to the property of the deceased in consequence of the representative of the deceased, or his widow, or some of his next of kin, paying in full the preferential

charges, the committee are forthwith to forward, together with the inventory and account, a report of the facts and circumstances as follows:

Where the death occurs elsewhere than in India, or the death occurs in India, the deceased being (in the latter case) a soldier of Her Majesty's army,—to the Secretary of State for War:

Where the death occurs in India, the deceased not being a soldier of Her Majesty's army,—to the military secretary to the government of the presidency in which the deceased was quartered.

(*Section* 9. *of the Act.*)

11. The committee of adjustment (in India) are to deliver over the effects secured by them to the administrator general only in case they apprehend that considerable difficulty or delay may arise in or about the collection or realization of the effects and credits of the deceased, in consequence of the character of any investment, or in consequence of it being requisite to institute some action or suit in relation to the property of the deceased, or in case there is some other peculiar circumstance connected with the property making it, in the judgment of the committee, expedient to take that course.

12. Where the committee of adjustment deliver over effects to an administrator general, they are to do so as soon as practicable after they have determined to take that course.

13. Where the committee of adjustment deliver over effects to an administrator general, they are forthwith to forward, together with the inventory and account, a report of the facts and circumstances, as follows :—

Where the deceased was a soldier of Her Majesty's army,—to the Secretary of State for War:

In other cases,—to the military secretary to the government of the presidency in which the deceased was quartered.

(*Section* 10. *of the Act.*)

14. Where the deceased was an officer employed on the staff, and the death occurs elsewhere than in India, the committee of adjustment are to remit or lodge the surplus, as follows :—

Where the death occurs in the United Kingdom, they are to remit the surplus to the general agent for the recruiting service in London:

Where the death occurs at any station abroad (except in India), they are to

lodge the surplus in the commissariat chest, taking a receipt for the amount from the officer in charge of the commissariat chest, which receipt, together with the inventory and the account of debts and credits, they are to transmit to the Secretary of State for War, making at the same time a full report of their proceedings to the officer commanding on the station.

15. Where the deceased was an officer not employed on the staff, and the death occurs elsewhere than in India, the committee of adjustment are to lodge the surplus in the hands of the regimental paymaster, who is to credit the amount in the next regimental pay list.

16. Where the deceased was a soldier of Her Majesty's army, then, whether the death occurs in India or elsewhere, the committee of adjustment are to lodge the surplus in the hands of the regimental paymaster, who is to credit the amount in the next regimental pay list or casualty return.

17. Where the death occurs in India, the deceased not being a soldier of Her Majesty's army, the committee of adjustment are to remit the surplus to the

military secretary to the government of the presidency in which the deceased was quartered.

18. Whenever a committee of adjustment remit or lodge a surplus they are to send or lodge therewith one of the duplicates of the inventory and of the account.

19. In the case of a soldier of Her Majesty's army, the officer present at the sale is to furnish the paymaster with a certified statement of the particulars thereof, on the printed forms supplied, and is to cause the amount of the produce to be carried to the credit of the man's account in the ledger.

In other cases, where the death occurs in India, the officer present at the sale is to furnish the military secretary to the government of the presidency in which the deceased was quartered with a certified statement of the particulars of the sale.

20. The paymaster is to ascertain that all the articles reported in the inventory furnished to him as forthcoming are accounted for in the particulars of the sale, and is to annex the inventory and account, and the particulars of the sale, to the pay list or casualty return of the period in which the sale is effected, and is

to state therein the balance, debtor or creditor.

The military secretary is to have the inventory and account, and the statement of the particulars of the sale, compared and examined.

21. In regiments of Her Majesty's army stationed elsewhere than in India, quarterly casualty returns are to be made up according to the prescribed form in the pay list.

22. Where a regiment of Her Majesty's army is stationed in India, monthly casualty returns, made up according to the printed form, are to be transmitted to the Secretary of State for War, and sums therein mentioned are to be stated in sterling money.

With respect to Her Majesty's Indian army, like returns are to be transmitted to the Secretary of State for India in Council.

23. Casualty returns from India are to specify in each case whether the deceased was known to be possessed of property of any description whatever besides that stated in the casualty return, but not actually realized when the return is made.

If any such other property is known, a statement of the particulars thereof, made out in duplicate, is to be forwarded with the casualty return, and a memorandum is to be annexed thereto of the steps that have been taken for recovering or realizing the same under the Act.

If no such other property is known, a memorandum to that effect is to be made on the casualty return.

24. Where a deceased officer or soldier leaves a will, then, if representation is not taken out, the original will, and, if representation is taken out, a complete and authenticated copy of the will, is to be sent along with the inventory account and other papers by the committee of adjustment, and is to be transmitted to the Secretary of State for War or the Secretary of State for India in Council, as the case may require.

Where the original will is sent, a complete and authenticated copy of it is to be first made under the direction of the committee of adjustment, and is to be kept with the regimental or other proper records.

(*Section* 12. *of the Act*, § (1).)

25. The notice under section 12 of the Act, § (1.) is to be published by

advertisement in the government gazette of the presidency in which the deceased was quartered.

26. The notice is to be in the following form, with such variations as circumstances require:—

THE REGIMENTAL DEBTS ACT, 1863,
SECTION 12, § (1.)

Notice is hereby given—

First.—That information has been received by me of the deaths of the officers, non-commissioned officers, and soldiers named and described in the subjoined table.

Secondly.—That there have been received by me, as the surplus of their respective properties, the amounts set opposite their respective names in the same table.

Thirdly.—That all claims by creditors against the respective properties of the deceased are to be lodged with me, within two calendar months from the date of this notice.

(Signed) *A.B.*,
Military Secretary.

Calcutta, the day of

The Table above referred to.

Number.	Christian name and surname in full of officer, non-commissioned officer, or soldier deceased.	Branch of service to which deceased belonged.	Number of regiment.	Rank of deceased.	Place of death.	Date of death.	Amount of surplus.	Whether deceased known to have left a will or not.	Other particulars respecting deceased and his property; and remarks.	Number.
1										1
2										
3										3
4										4

(*Section* 12. *of the Act*, § (2).)

27. The power of the military secretary to discharge demands of such claimants as lodge claims with him is to arise in the following cases:—

(1.) If the surplus does not exceed 1,000 rupees, and the claims lodged do not exceed in the whole 10 per cent. on the amount of the surplus.

(2.) If the surplus exceeds 1,000 rupees, and the claims lodged do not exceed in the whole the sum of 100 rupees.

(*Section* 12. *of the Act*, § (5).)

28. The military secretary is to make the prescribed remittance under section 12. of the Act, § (5.) within six calendar months after the first publication of the notice prescribed by § (1.) of that section.

(*Section* 13. *of the Act.*)

29. The notice under section 13. of the Act is to be in the following form, with such variations as circumstances require :—

THE REGIMENTAL DEBTS ACT, 1863,
SECTION 13.

Notice is hereby given—

First. — That information has been received at this office of the deaths of the officers, non-commissioned officers, and soldiers named and described in the subjoined table.

Secondly.—That there are now standing to their respective credits in the books of this office as the residues of their respective properties the amounts set opposite their respective names in the same table, which amounts comprise the sums received as the surplus of their respective properties, and all arrears of pay, batta, grants, and other allowances whatever.

Thirdly. — That any application respecting the said respective residues is to be made to the Secretary of State by letter addressed to the Under Secretary of State at this office.

By order of the Secretary of State
for War [*or* for India in Council].
(Signed) *A.B.*

War Office, Pall Mall, London, S.W.,
[*or*, India Office, London, S.W.,]
the day of

The Table above referred to.

Number.	Christian name and surname in full of officer, non-commissioned officer, or soldier deceased.	Branch of service to which deceased belonged.	Number of regiment.	Rank of deceased.	Place of death.	Date of death.	Amount of residue.	Whether deceased known to have left a will or not.	Other particulars respecting deceased and his property; and remarks.	Number.
1										1
2										2
3										3
4										4

(*Section* 20. *of the Act.*)

30. In the case of a regimental paymaster, the committee of adjustment is to consist of the commanding officer, the quartermaster, and the senior captain (present at head quarters) of the regiment.

The committee of adjustment are to forthwith remit the surplus to the Secretary of State for War.

II.—Desertion, Apprenticeship, and Felony.

(*Part II. of the Act.*)

31. In all cases of desertion, and of a soldier being delivered up as an apprentice, or convicted of felony, by the civil power, the committee of adjustment is to

be composed in like manner as in the respective cases of death.

32. The foregoing regulations relative to the respective cases of death are to be applied in cases of desertion, apprenticeship, and felony, as far as the difference of the circumstances will admit; but the committee of adjustment are forthwith to remit or lodge the money remaining in their hands to or in the hands of the regimental paymaster, military secretary, or other officer or person to whom or in whose hands they are to remit or lodge the surplus in the respective cases of death; and he is forthwith to transmit the same to the Secretary of State for War or the Secretary of State for India in Council, as the case may require.

The same is to be then with all convenient speed applied as follows:—

In case of desertion, in the manner in which, if the same were an undisposed-of residue, it would for the time being be applicable under section 18 of the Act at the expiration of such period of six months as in that section mentioned:

In other cases, in such manner as the Secretary of State for War or Secretary of State for India in Council (as the case may be) in his discretion thinks fit.

III.—Insanity.

(*Part III. of the Act.*)

33. In cases of insanity, the committee of adjustment is to be composed in like manner as in the respective cases of death.

34. The foregoing regulations relative to the respective cases of death are to be applied in a case of insanity, as far as the difference of the circumstances will admit; but the committee of adjustment are forthwith to remit or lodge the money remaining in their hands, to or in the hands of the regimental paymaster, military secretary, or other officer or person to whom or in whose hands they are to remit or lodge the surplus in the respective cases of death; and he is forthwith to transmit the same to the Secretary of State for War or the Secretary of State for India in Council, as the case may require.

The same is to be then, with all convenient speed, applied for the benefit of the officer or soldier to whom it belongs, in such manner as the Secretary of State for War or the Secretary of State for India in Council (as the case may be) in his discretion thinks fit.

LONDON:
Printed by George E. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.

ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

CAP. XLVII.

An Act to amend the Penal Servitude Acts.
[25*th July* 1864.]

WHEREAS two Acts were passed, the one chapter ninety-nine in the session of the sixteenth and seventeenth years of the reign of Her present Majesty, and the other chapter three in the session of the twentieth and twenty-first years of the same reign, having for their object the substitution of other punishments in lieu of transportation: And whereas it is expedient to amend the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parlia- 16 & 17 Vict. c. 99. 20 & 21 Vict. c. 3.

ment assembled, and by the authority of the same, as follows:

Short titles.

1. This Act shall be construed as one with the above-mentioned Acts, and the said Acts, together with this Act, may be cited for all purposes as the Penal Servitude Acts, 1853, 1857, and 1864, and each of the said Acts may be cited as the Penal Servitude Act of the year in which it was passed.

Sentences of Penal Servitude.

Length of sentences of penal servitude.

2. No person shall be sentenced to penal servitude in respect to any offence committed after the passing of this Act for a period of less than five years, and where under any Act now in force a period of less than five years is the utmost sentence of penal servitude that can be awarded, a period of five years shall, in respect to any offence committed after the passing of this Act, in such Act be substituted for the less period; and where under any Act now in force a period of either less or more than five years may be awarded as a sentence of penal servitude, the least sentence of penal servitude that can be awarded under that Act shall, in respect to any offence committed after the passing of this Act, be a period of five years; and where any person shall on indictment be convicted of any crime or offence punishable with penal servitude, after having been previously convicted of felony, or, in Scotland,

of any crime, (whether such previous conviction shall have taken place upon an indictment or under the provisions of the Act passed in the eighteenth and nineteenth of Victoria, chapter one hundred and twenty-six,) the least sentence of penal servitude that can be awarded in such case shall be a period of seven years.

Convict Prisons.

Punishment of offences in convict prisons.

3. One of Her Majesty's Principal Secretaries of State in Great Britain, and the Lord Lieutenant or other chief governor in Ireland, may, by warrant under his hand and seal, empower any two or more justices of the peace, to be named in such warrant, acting for any county in which a prison for the reception of convicts under sentence of penal servitude is situate, to order, from time to time, the infliction of corporal punishment on any convict confined in such prison, for an offence committed by such convict in such prison, and against the discipline thereof; and any two or more justices of the peace thus empowered shall have the same power of adjudicating on such offences, and of ordering the infliction of such punishment, to be exercised under the same conditions as one of the directors of convict prisons would have, and no greater.

Licences.

Forfeiture of licence.

4. A licence granted under the said Penal Servitude Acts, or any of them, may be in the form set forth in schedule (A.) to this Act annexed, and may be written, printed, or lithographed. If any holder of a licence granted in the form set forth in the said schedule (A.) is convicted, either by the verdict of a jury, or upon his own confession, of any offence for which he is indicted, his licence shall be forthwith forfeited by virtue of such conviction; or if any holder of a licence granted under the said Penal Servitude Acts, or any of them, who shall be at large in the United Kingdom, shall, unless prevented by illness or other unavoidable cause, fail to report himself personally, if in Great Britain, to the chief police station of the borough or police division, and if in Ireland to the constabulary station of the locality, to which he may go within three days after his arrival therein, and being a male subsequently once in each month, at such time and place, in such manner, and to such person as the chief officer of the constabulary force to which such station belongs shall appoint, or shall change his residence from one police district to another without having previously notified the same to the police or constabulary station to which he last reported

himself, he shall be deemed guilty of a misdemeanor, and may be summarily convicted thereof, and his licence shall be forthwith forfeited by virtue of such conviction, but he shall not be liable to any other punishment by virtue of such conviction.

Offences by holders of a licence.

5. If any holder of a licence granted in the form set forth in the said schedule (A.),—

1. Fails to produce his licence when required to do so by any judge, justice of the peace, sheriff substitute, police or other magistrate before whom he may be brought charged with any offence, or by any constable or officer of the police in whose custody he may be, and also fails to make any reasonable excuse why he does not produce the same; or
2. Breaks any of the other conditions of his licence by an act that is not of itself punishable either upon indictment or upon summary conviction;

He shall be deemed guilty of an offence punishable summarily by imprisonment for any period not exceeding three months, with or without hard labour.

Apprehension of holder of

6. Any constable or police officer may, without warrant, take into custody

licence without warrant.

any holder of such a licence whom he may reasonably suspect of having committed any offence, or having broken any of the conditions of his licence, and may detain him in custody until he can be taken before a justice of the peace or other competent magistrate, and dealt with according to law.

Summary punishment of offences.

7. In England and Ireland any offence under this Act punishable summarily may be prosecuted summarily before two or more justices; as to England, in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled "An "Act to facilitate the performance of the "duties of justices of the peace out of "sessions within England and Wales with "respect to summary convictions and "orders," or any Act amending the same; and as to Ireland, in manner directed by the Act passed in the session holden in the fourteenth and fifteenth year of the reign of Her Majesty Queen Victoria, chapter ninety-three, intituled "An Act to con-"solidate and amend the Acts regulating "the proceedings of petty sessions, and "the duties of justices of the peace out of "quarter sessions, in Ireland," or any Act amending the same.

In Scotland any offence under this Act punishable summarily may be pro-

secuted upon summary conviction at the instance of the procurator fiscal before any sheriff or sheriff substitute, or before any two justices of the county, or before the magistrates or any other police magistrate of the burgh in which the offence is committed.

Where holder of licence is summarily convicted, convicting magistrate to forward certificate to Secretary of State or Lord Lieutenant of Ireland.

8. Where any holder of a licence granted in the form set forth in the said Schedule (A.) is convicted of an offence punishable summarily under this or any other Act, the justices, sheriff, sheriff substitute, or other magistrate convicting the prisoner shall without delay forward by post a certificate in the form given in Schedule (B.) to this Act annexed, if in England or Scotland to one of Her Majesty's Principal Secretaries of State, if in Ireland to the Lord Lieutenant or other chief governor of Ireland, and thereupon the licence of the said holder may be revoked in manner provided by the said Penal Servitude Acts.

Effect of forfeiture or revocation of licence.

9. Where any licence granted in the form set forth in the said Schedule (A.) is forfeited by a conviction of any indictable offence, or is revoked in pursuance of a summary conviction under this Act, or any other Act of Parliament, the person whose licence is forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for the offence in

consequence of which his licence is forfeited or revoked, further undergo a term of penal servitude equal to the portion of his term of penal servitude that remained unexpired at the time of his licence being granted, and shall, for the purpose of his undergoing such last-mentioned punishment, be removed from the prison of any county, borough, or place in which he may be confined, to any prison in which convicts under sentence of penal servitude may lawfully be confined, by warrant under the hand and seal of any justice of the peace of the said county, borough, or place, and shall be liable to be there dealt with in all respects as if such term of penal servitude had formed part of his original sentence.

Licences may be granted in form differing from that in Schedule (A.)

10. Provided always, that it shall be lawful for Her Majesty, or for the Lord Lieutenant or other chief governor in Ireland, whenever they shall respectively think fit, to grant from time to time to convicts under sentence of penal servitude, licences in any other form different from that set forth in Schedule (A.) which they may respectively consider it expedient to adopt, and containing other and different conditions; and such last-mentioned licences shall be revocable at pleasure by the authority by which they are granted; but no holder of such last-mentioned licence shall be deemed guilty of an

offence punishable upon summary conviction merely by reason of the breach of the conditions of the said last-mentioned licences, or any of them.

SCHEDULES.

SCHEDULE (A.)

Order of Licence to a Convict made under the Statute.

Whitehall,
day of 18 .

Her Majesty is graciously pleased to grant to who was convicted of at the for the on the and was then and there sentenced to be kept in penal servitude for the term of and is now confined in the her royal licence to be at large from the day of his liberation under this order during the remaining portion of his said term of penal servitude, unless the said shall before the expiration of the said term be convicted of some indictable offence within the United Kingdom, in which case such licence will be immediately forfeited by law, or unless it shall please Her

Majesty sooner to revoke or alter such licence.

This licence is given subject to the conditions endorsed upon the same, upon the breach of any of which it will be liable to be revoked, whether such breach is followed by a conviction or not.

And Her Majesty hereby orders that the said be set at liberty within thirty days from the date of this order.

Given under my hand and seal.

Conditions.

1. The holder shall preserve his licence and produce it when called upon to do so by a magistrate or police officer.

2. He shall abstain from any violation of the law.

3. He shall not habitually associate with notoriously bad characters, such as reputed thieves and prostitutes.

4. He shall not lead an idle and dissolute life, without visible means of obtaining an honest livelihood.

If his licence is forfeited or revoked in consequence of a conviction for any offence, he will be liable to undergo a term of penal servitude equal to the portion of his term of years which remained unexpired when his licence was granted, viz., the term of years.

SCHEDULE (B.)

Form of Certificate of Conviction of Holder of Licence.

I do hereby certify that *A.B.*, the holder of a licence under the Penal Servitude Acts, was on the day of in the year duly convicted by of the offence of and sentenced to

C.D.,
Clerk to the said justices.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1873.

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. CX.

An Act to consolidate and amend the Acts for rendering effective the service of Chelsea and Naval Out-Pensioners and Pensioners of the East India Company, and for establishing a Reserve Force of men who have been in Her Majesty's service. [20*th August* 1867.]

WHEREAS by Acts passed in the sessions holden in the sixth and seventh and in the ninth and tenth years of Her Majesty provision was made for the enrolment as a local force, for the preservation of the peace, of such out-pensioners as therein respectively mentioned, the whole number to be enrolled not to exceed twenty thousand: 6 & 7 Vict. c. 95. 9 & 10 Vict. c. 9.

10 & 11 Vict. c. 54. And whereas by an Act passed in the session holden in the tenth and eleventh years of Her Majesty the said Acts were amended, and provision was made for the enrolment as aforesaid of such out-pensioners in Her Majesty's colonies:

11 & 12 Vict. c. 84. And whereas by an Act passed in the session holden in the eleventh and twelfth years of Her Majesty the two Acts firstly herein mentioned were made applicable to such pensioners from the land forces of the East India Company resident in the United Kingdom who might volunteer to serve Her Majesty as enrolled pensioners according to the said Acts, the whole number of pensioners of the said hospitals and from the said land forces so to be enrolled in the United Kingdom not to exceed thirty thousand:

22 & 23 Vict. c. 42. And whereas by an Act passed in the session holden in the twenty-second and twenty-third years of Her Majesty provision was made for the enrolment as a reserve force in the United Kingdom, not exceeding twenty thousand men, of persons having previously served in Her Majesty's other forces or in the forces of the East India Company who might volunteer for service under that Act:

And whereas it is expedient that the said Acts should be consolidated and amended as herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the

advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Reserve Force Act, 1867."

Interpretation of terms.

2. In this Act—

The following expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"The Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

"Governor," as applied to a colony or possession, includes the person for the time being lawfully administering the government thereof:

"The reserve force" means the reserve force established by this Act:

"Out-pensioners of Chelsea Hospital" includes all persons whose claims for prospective or deferred pension have been registered in virtue of any warrant of Her Majesty.

Establishment of reserve force for the United Kingdom, not exceeding 50,000 men.

3. It shall be lawful for Her Majesty to cause to be enrolled and kept up as a reserve force in the United Kingdom any number of men, not exceeding in the whole fifty thousand men; such men to be divided into two classes, not exceeding the respective numbers, and to consist of the descriptions of persons, and to be liable to the different services, hereinafter respectively mentioned; (that is to say,)

CLASS I.

not to exceed twenty thousand men;

to be liable when on permanent service to serve in the United Kingdom or elsewhere;

and to consist of men who are serving or have served in any of Her Majesty's regular forces, and whose past service has not exceeded the first term of enlistment.

CLASS II.

not to exceed thirty thousand men;

to be liable when on permanent service to serve only in the United Kingdom;

and to consist of—

persons already enrolled in the United Kingdom by virtue of the said Acts or any of them;

out-pensioners of Chelsea Hospital;

out-pensioners of Greenwich Hospital having served in the Royal Marines;
persons who are serving or have served in any of Her Majesty's regular forces, and who have so served for not less than the full period of the first term of enlistment.

Formation of corps, &c.

4. Subject to the express provisions of this Act as to the extent and nature of their service, the reserve force may be formed into such corps and may be attached to such regiments of any of Her Majesty's other forces as Her Majesty may from time to time direct.

Term of service to be prescribed by regulations, &c.

5. The men to be enrolled as aforesaid shall be engaged to serve for such term or respective terms of years as may be directed by the regulations made under this Act:

And every man engaging to serve shall make and sign a declaration in such form as with reference to the terms of his engagement may be prescribed by such regulations.

Appointment of officers.

6. It shall be lawful for Her Majesty to appoint to the reserve force such officers and non-commissioned officers of any of Her Majesty's other forces, whether from full or half pay or from the pension list, as Her Majesty may deem expedient,

and to put the whole or any part of the reserve force under the command of such general or other superior officers of any of such other forces as Her Majesty may from time to time be pleased to appoint.

Force to be called out for training and exercise for 12 days in each year.

7. The reserve force shall be called out for training and exercise, together or otherwise, at such place or places within the United Kingdom, and for such time or times not exceeding twelve days in any year, as Her Majesty through the Secretary of State, or in Ireland through the Lord Lieutenant, may direct.

Power to attach men of Class I. to the militia.

8. Provided always, that if Her Majesty at any time, or from time to time, so think fit, and through the Secretary of State or (in Ireland) the Lord Lieutenant so direct, all or any of the men in Class I. of the reserve force may be attached for the purpose of training and exercise to any regiment or regiments of militia for any time not exceeding the time for which such regiment or regiments may be assembled for training and exercise; and in such case all the provisions applicable to the militiamen of any such regiment shall, while any such men as aforesaid are so attached, be applicable to them, and to all other persons in respect of them, as if they were militiamen of such regiment.

Reserve force may be called out in aid of the civil power.

9. It shall be lawful for the Secretary of State, or in Ireland for the Lord Lieutenant, at any time when occasion may appear to them respectively to require, to call out the whole or so many of the reserve force as such Secretary of State or Lord Lieutenant may think necessary, to aid the civil power in the preservation of the public peace in Great Britain and Ireland respectively:

And it shall be lawful for any officer commanding Her Majesty's forces in any town or district, on the requisition in writing of any justice of the peace, to call out for the purpose aforesaid the men enrolled in the reserve force who may be resident in such town or district, or such of them as he may think necessary.

In case of invasion or war, reserve force may be called out for permanent service.

10. In case of actual invasion or imminent danger thereof, or in case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty, by proclamation, to direct that the reserve force, or such part thereof as Her Majesty may think fit, be called out on permanent service:

Upon the issuing of any such proclamation, the men in Class I. of the reserve force, or those of them to whom such proclamation applies, shall become subject to general service with Her Majesty's army, and the men in Class II. of the reserve force, or those of them to whom

the proclamation applies, shall become liable to serve in aid of the defence of the realm, in any part of the United Kingdom where their services may be required:

And the said force, or such part thereof as may be so called out, shall serve in pursuance of such proclamation until it be signified to them by Her Majesty's command that their services are no longer required, but so nevertheless that the services of men so called out shall not be required under such proclamation beyond six months after peace has been next proclaimed.

Reserve force may volunteer for duty.

11. It shall be lawful for Her Majesty through the Secretary of State, or in Ireland through the Lord Lieutenant, to direct that such and so many of the reserve force as volunteer their services may be kept on duty and pay for any period not exceeding six months in the same way as the regular forces of Her Majesty's army, and any person who volunteers for such service shall be liable to serve accordingly.

Reserve force, when on service, to be subject to the Mutiny Act.

12. Whenever the reserve force or any part thereof is called out for training and exercise,

or when any of such force having volunteered their services for that purpose are kept on duty as aforesaid,

or when such force or any part thereof

is called out in aid of the civil power as aforesaid, or is called out on permanent service under Her Majesty's proclamation,

all the provisions of any Act then in force for punishing mutiny and desertion and for the better payment of the army and their quarters, and the articles of war in force under the authority of such Act, shall apply to and in respect of the said force or such part thereof as may be or ought to be on duty on any of the occasions aforesaid, and the officers and non-commissioned officers appointed to command them, as fully as such Act and articles may be applicable to and in respect of Her Majesty's regular forces; and offences committed by such officers and non-commissioned officers and the men of such force as may be or ought to be on duty on any of the occasions aforesaid may be inquired of and tried by court-martial assembled under the provisions of any such Act according to the usual discipline of Her Majesty's army;

and courts-martial for the trial of any such offences may be holden, and the punishment awarded by any such court-martial may be inflicted, either during the time for which such officers, non-commissioned officers, and men are or ought to be so on duty as aforesaid, or at any time within twelve months after the offence has been committed or the offender has been apprehended.

Punishment for absence or desertion.

13. Every man enrolled in the reserve force who, without leave lawfully granted, or sickness certified according to any regulations made under this Act, does not appear at the time and place appointed for his training and exercise, or for permanent or voluntary service, or for his service in aid of the civil power, or who having appeared or joined the force at the place appointed deserts or absents himself before the expiration of the time of training and exercise, or before being duly discharged from such permanent or voluntary or other service as aforesaid, shall be deemed a deserter, and be liable to be tried and punished by court-martial under the foregoing provision, and be also liable to such forfeiture of pay, pension, or allowance as may be directed by the regulations made under this Act.

Penalty for damaging of selling or purchasing accoutrements, &c.

14. Every man enrolled in the reserve force who carelessly loses, destroys, or damages any arms, accoutrements, ammunition, or clothing provided for him or intrusted to his charge, shall be liable to make good the same out of his pay, pension, or allowance as may be directed by any regulations made under this Act, together with such penalty, not exceeding double the amount of such loss or damage, as the Secretary of State may direct;

and every such man who wilfully damages or destroys, or who sells, pawns, or other-

wise unlawfully disposes of any such arms, accoutrements, ammunition, or clothing, shall be liable to such forfeiture of pay, pension, or allowance as may be directed by such regulations:

And any person knowingly purchasing or receiving the same shall, on summary conviction before any justice of the peace, forfeit any sum not exceeding five pounds;

and one moiety of such penalty shall go to the person who informs for the same, and the other moiety, or where the offence is proved by the informer, then the whole of the penalty, shall be paid and applied in such manner as the Secretary of State may direct, anything in any Act to the contrary notwithstanding:

And every justice who adjudges any such penalty shall within four days report the same and his adjudication thereof to Her Majesty's Principal Secretary of State for the War Department; and in this enactment the terms "justice of the peace" and "justice" shall respectively include, as regards Scotland, sheriff, sheriff substitute, and magistrate.

Regulations to be made by Secretary of State.

15. Subject to the provisions of this Act, it shall be lawful for the Secretary of State to make regulations in relation to the execution of this Act, as follows:

as to the ages and other qualifications of men to be enrolled thereunder;

as to the term or terms of service of men to be so enrolled;

as to the declarations to be made on or in relation to being so enrolled;

for the pay of the officers and non-commissioned officers appointed, and men so enrolled;

for pensions of men in respect as well of their services under this Act as of their previous services;

as to the arms, clothing, equipment, and allowances of such officers, non-commissioned officers, and men;

for the government of the said force;

for fines and penalties or forfeitures for absence from, or misconduct during, training and exercise, or during permanent, voluntary, or other service, or for the breach of any of the said regulations, and the deduction of such fines and penalties from any pay, allowance, or pension which may become due to the offender;

and as to any matters by this Act made subject to regulations made thereunder.

Provisions of turnpike and railway Acts as to soldiers to apply to the force under this Act.

16. For the purposes of all enactments relating to turnpike roads and to tolls, the men enrolled and officers and non-commissioned officers appointed under this Act while on duty, or going to or returning from any place of training and exercise,

or of permanent, voluntary, or other service, shall be deemed soldiers and officers of Her Majesty on duty, and all such enactments having reference to officers and soldiers on duty shall be construed accordingly; and the enactments for the time being in force concerning the conveyance by railway of Her Majesty's forces of the line, and their baggage, stores, arms, ammunition, and other necessaries and things, shall apply to the conveyance of the reserve force, their baggage, stores, arms, ammunition, necessaries, and things, and as well with respect to the officers and non-commissioned officers appointed under this Act as with respect to the men enrolled in such force.

Men to be exempted from serving parish offices, &c.

17. Men enrolled and officers and non-commissioned officers appointed under this Act shall not be liable to serve on any jury, nor to serve the office of constable, or any other parochial, township, or borough office.

Provisions of this Act to apply for enrolling out-pensioners as a local force in any colony, and with respect

18. The provisions of this Act shall apply to all out-pensioners of Chelsea Hospital and to all out-pensioners of Greenwich Hospital who have served in the Royal Marines residing in any of Her Majesty's colonies and possessions abroad in which any officers have been or may be appointed, pursuant to any Act for the

to such force.

time being in force for the payment and superintendence of the said out-pensioners:

And it shall be lawful for Her Majesty, from time to time, by warrant under the royal sign manual, to fix the number of men to be enrolled in every such colony and possession as a local force, and to cause them to be armed and equipped as the governor may direct:

And all the provisions of this Act for calling out the reserve force, or any part thereof, for training and exercise, for calling out such force, or any part thereof, on any of the occasions herein-before in this behalf mentioned, and for keeping on duty and pay such of the reserve force as volunteer their services, and otherwise in relation to Class II. of such force and to other persons in respect of such force, and authorizing regulations to be made concerning the service of the men, and otherwise, shall apply to and in respect of such local force as aforesaid in any such colony or possession, and to or in respect of any like force established under any of the Acts hereby repealed, the same colony or possession being substituted for the United Kingdom, and the governor of such colony or possession being substituted for the Secretary of State.

Warrants and regulations to be laid before Parliament.

19. All warrants and regulations to be issued or made under this Act shall be laid before both Houses of Parliament

within fourteen days next after the issuing or making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the next meeting of Parliament.

Acts in schedule to this Act repealed

20. The Acts mentioned in the schedule to this Act are hereby repealed;

but such repeal shall not, save as herein otherwise provided, affect any past Act, or any existing right, or any remedy in respect thereof, or the proof of any past Act;

and all existing regulations made under the authority of any Act hereby repealed shall be of the same force and effect as i made under this Act;

and every existing commission and appointment by or under the Acts hereby repealed or any of them shall be of the same force and effect for the execution and for all the purposes of this Act, and shall be revocable in like manner, as if the same were granted hereunder; and any such commission or appointment having reference to any of the descriptions of persons composing Class II. of the reserve force shall have effect with reference to all descriptions of persons composing such class;

and any offence against any of the said Acts committed before the passing of this Act shall be punished as if this Act had not been passed.

SCHEDULE.

ACTS REPEALED.

6 & 7 Vict. c. 95.	An Act for rendering more effective the services of such out-pensioners of Chelsea Hospital as shall be called out to assist in preserving the public peace.
9 & 10 Vict. c. 9.	An Act for amending the Act for rendering effective the services of the Chelsea out-pensioners, and extending it to the out-pensioners of Greenwich Hospital.
10 & 11 Vict. c. 54.	An Act to amend the Acts for rendering effective the service of the Chelsea and Greenwich out-pensioners.
11 & 12 Vict. c. 84.	An Act to amend the Acts for rendering effective the service of the Chelsea and Greenwich out-pensioners, and to extend them to the pensioners of the East India Company.
22 & 23 Vict. c. 42.	An Act to provide for the establishment of a reserve force of men who have been in Her Majesty's service.

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ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. CXI.

An Act to form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War. [20*th August* 1867.]

WHEREAS it is expedient to authorize the enlistment of a portion of the militia for service in Her Majesty's army in the event of war, and for that purpose to make such provisions as are herein-after contained:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Militia Reserve Act, 1867." Short title.

2. In this Act the following expressions shall have the meanings hereby Interpretation of terms.

assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"Regiment" includes battalion, corps, and company:

"Mutiny Act" means the Act for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, for the time being in force:

"Articles of War" means the Articles of War for the time being in force under the authority of the Mutiny Act.

Establishment of militia reserve.

3. The Secretary of State may cause to be enlisted from time to time under this Act such men from the militia of the United Kingdom as may be willing, with the consent of the commanding officers of their respective regiments, so to enlist themselves:

The total number of men enlisted under this Act from the respective militias raised in England, Scotland, and Ireland, shall not at any one time exceed in number one fourth part of the respective quotas of private militiamen for the time being fixed by law to be raised therein respectively:

Subject to the limitation herein-before contained, the Secretary of State may fix,

at his discretion, by order under his hand, the greatest number of militiamen that may for the time being be enlisted as aforesaid out of each or any regiment of militia.

Term and mode of enlistment.

4. Every man to be enlisted under this Act shall be so enlisted for the term of five years, and further to serve until he is legally discharged, if, at the expiration of such term, he is upon army service, and shall be attested accordingly before a justice of the peace as in the case of ordinary army enlistment, save as otherwise provided by any regulations made under this Act.

Militia engagement extended on enlistment under this Act.

5. The then existing engagement in the militia of any man who is enlisted under this Act shall be deemed extended for the term of five years for which he is so enlisted, and he shall accordingly, save as herein otherwise provided, be deemed for all purposes a militiaman during such term in like manner as if he had been lawfully and duly enrolled to serve for such term in the militia regiment to which he formerly belonged; and upon his becoming subject as herein-after provided to army service, but not before, his place in the militia shall be deemed vacant, and be filled up as by law provided in relation to casual vacancies in the militia.

Enlisted men volunteering for that purpose may be trained with the army.

6. The Secretary of State may cause any men enlisted under this Act who may volunteer for such training and exercise to be trained and exercised with any part of Her Majesty's army during any time or times not exceeding in the whole fifty-six days in any one year;

all or any part of the time or times of training and exercise as aforesaid of any man volunteering as aforesaid may be in addition to, or, with the consent of the commanding officer of the regiment of militia to which such man may belong, in substitution for, all or any part of the period of training and exercise with and as part of the militia to which such man would or might otherwise be subject.

Secretary of State may discharge men from enlistment under this Act so far as respects army service.

7. The Secretary of State may, at his discretion, at any time discharge any man enlisted under this Act from his enlistment, so far as it subjects him to army service; and any man so discharged shall thenceforth for the remainder of his term of enlistment be deemed a militiaman only, and be subject to all provisions affecting militiamen accordingly.

Nothing in this enactment shall affect the power of the Secretary of State to discharge such man from the militia.

In what events men enlisted may be ordered

8. Whenever a state of war exists between Her Majesty and any foreign power, and in all cases of actual invasion

or imminent danger thereof, it shall be lawful for Her Majesty (the cause being first communicated to Parliament if Parliament be then sitting, or declared in Council and notified by proclamation if Parliament be not then sitting,) from time to time to order that, on such day as may be mentioned in Her Majesty's order in this behalf, the men enlisted under this Act, or such of them as Her Majesty may judge necessary, and by such order direct, shall enter upon army service, and for that purpose shall attend at such place or places and at such time or times as shall be duly notified in this behalf. to enter upon army service.

9. On the day fixed in such order of Her Majesty as aforesaid, and thenceforth until it be signified by Her Majesty's command to the men to whom such order applies that their services are no longer required, such men shall be deemed upon army service, and they shall form part of Her Majesty's army as if they were men who had been duly enlisted in and attested for Her Majesty's army for general service, and whose enlistment and attestation had been completed on the day aforesaid; but so, nevertheless, that the services of men enlisted under this Act shall not be required under any such order of Her Majesty as aforesaid beyond six months after peace has been next proclaimed. Effect of order for entry upon army service.

On dismissal from army service men to return to their militia regiments for remainder of term of enlistment.

10. Subject to the provisions hereinbefore contained, men enlisted under this Act who have entered upon army service under this Act shall, on its being signified to them as aforesaid that their services are no longer required, return and serve, for the remainder (if any) of their respective terms of enlistment, to and in the militia regiments to which they respectively belonged when they enlisted under this Act, and such men shall hold such rank and be entitled to such pay and allowance as they held and possessed when they entered upon army service under Her Majesty's order; and if, by reason of their places being supplied, there is no opportunity for their resuming their former position consistently with the ordinary organization of any militia regiment to which they belonged, they shall be supernumeraries thereof, with such rank, pay, and allowances as aforesaid, until they can occupy their former position.

When enlisted men are being trained with the army, or are upon army service, Mutiny Act and Articles of War to apply to them.

11. During any time for which any men enlisted under this Act may have volunteered to be trained and exercised with any part of Her Majesty's army, and whenever any men enlisted under this Act are upon army service, all the provisions of the Mutiny Act and Articles of War shall apply to such men and to all persons whomsoever in respect of them, as fully as such Act and Articles may be applicable to

and in respect of Her Majesty's regular forces; and offences committed by such men may be inquired of and tried by court-martial assembled under the provisions of any such Act according to the usual discipline of Her Majesty's army;

and courts-martial for the trial of any such offences may be holden, and the punishment awarded by any such court-martial may be inflicted, either during the time for which such men have volunteered to be trained and exercised, or (as the case may be) are upon army service, or at any time within twelve months after the offence has been committed or the offender has been apprehended.

Power to Secretary of State to make regulations.

12. It shall be lawful for the Secretary of State from time to time to make regulations in relation to men enlisted under this Act, as follows:

as to the amount of the sums to be paid to men so enlisting by way of bounty or periodical payment or allowance in consideration of their enlistment, and as to the time or respective times, conditions, and manner of the payment thereof;

as to the ages between which men may be enlisted;

as to the height and for the examination and approval of all men to be enlisted under this Act;

as to the oaths or declarations to be

made by men so enlisted on their attestation;

as to the mode of giving notices to men when required to enter upon army service as herein provided;

and as to any matter by this Act made subject to regulations made thereunder.

Regulations to be laid before Parliament.

13. All regulations to be made under this Act shall be laid before both Houses of Parliament within twenty-one days next after the making thereof, if Parliament be then sitting, or if Parliament be not sitting, then within twenty-one days after the next meeting of Parliament.

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RULES AND ARTICLES

FOR

THE BETTER GOVERNMENT

OF

HER MAJESTY'S ARMY

From the 25th Day of April 1873.

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RULES AND ARTICLES

FOR THE

BETTER GOVERNMENT OF OUR ARMY.

SECTION I.

DUTIES AND LIABILITIES.

MUSTERS.

MUSTERS shall be taken of our regiments of life guards, horse guards, and foot guards, twice at least in every year, at such times as shall be appointed, and agreeably to the forms heretofore used; —— musters of every other corps in our army shall be taken according to such regulations as we may think fit to establish in relation thereto; —— no officer or soldier or other person liable to be mustered shall be absent from such musters without the leave of the proper authorities. ART. 1.

REGIMENTAL PAY OF OFFICERS.

REGIMENTAL pay shall not be issued to any officer who shall absent himself without leave, or shall overstay the period for which leave of absence 2.

may have been granted him; —— or who shall not on promotion; —— exchange; —— or removal to another regiment;—— or on appointment from the half to the full pay; —— join within *two months* the corps to which he may have been so appointed; —— or who shall not, on his first appointment in the army, join as directed in orders from our adjutant general; —— unless a satisfactory explanation shall have been given through his colonel or commanding officer, and shall have been notified by our Commander-in-Chief to our Secretary of State for War.

CONCEALMENT BY RECRUIT ON ENLISTMENT.

3. ANY recruit who shall have enlisted into and been attested for our army or our Indian forces, and who shall be discovered to be incapable of active service by reason of any infirmity concealed or not declared by such recruit at the time of his attestation, may be transferred to any garrison, or veteran or invalid battalion or company, notwithstanding he shall have enlisted for any particular regiment or corps, and shall be entitled to receive such proportion or residue of bounty only as our Secretary of State for War may allow, instead of the bounty to which such recruit would have been otherwise entitled.

CONCEALMENT ON RE-ENLISTMENT.

IF any person discharged from our army for disability, misconduct, or for any other cause, shall subsequently re-enter the army, and shall, at the time of his being attested, conceal the fact, or misrepresent the cause of his former discharge; —— he shall neither be allowed to reckon his past service, nor to receive any pension, if again discharged for disability. *4.

FURLOUGHS.

COMMANDING officers of regiments in Great Britain and Ireland are authorized to grant furloughs to soldiers, subject to the control of the general officers under whose command the regiments may be serving; —— but these indulgences are not to be granted during the seasons for reviews, field exercise, and inspections; —— viz. between the tenth day of March and twenty-fifth day of October in each year; —— except under peculiar and urgent circumstances; —— the number of soldiers to whom furloughs may be granted, between the twenty-fifth day of October and tenth day of March following, is to be regulated according to the general order which may be issued on that head; —— and when any soldier on furlough shall be detained by sickness or other casualty beyond the time therein limited, any military officer, not below the *5.

rank of captain, or any adjutant of regular militia, or when there is not any such officer within a convenient distance, then any justice, may grant an extension of such furlough for a period not exceeding *one month*, notifying the same to the commanding officer of the corps to which the man belongs, or to the agent of the regiment.

SUTTLING.

6. NO suttler shall be permitted to sell any kind of liquors or victuals, or to keep his house or shop open for the entertainment of soldiers, after *nine* o'clock at night, or before the beating of the reveilles, nor shall he be permitted to sell liquors of any sort during such time or times as he shall be forbidden so to do by the officer commanding the troops in the barracks to which the canteen belongs; —— nor upon Sundays during Divine service or sermon; —— on the penalty of being dismissed from all future suttling; —— but all officers, soldiers, and suttlers shall have full liberty to bring into any of our forts or garrisons any quantity or species of provisions, eatable or drinkable, except where any contracts are entered into by us, or by our order, for furnishing such provisions; —— (this exception extends only to the species of provisions so contracted for;) —— and all officers com-

manding in our forts, barracks, or garrisons, are required to see, as they shall be answerable to us for their neglect, that the persons permitted to suttle, supply the soldiers with good and wholesome provisions, at the market price.

CRYING DOWN CREDIT.

7. THE commanding officer of every corps shall, upon its first coming to any place where it is to remain in quarters, cause public proclamation to be made that if the landlords or other inhabitants suffer the soldiers to contract debts, such debts will not be discharged; —— the said commanding officer refusing or neglecting so to do shall be suspended for *three months*, during which time his whole pay shall be applied to the discharging of such debts as shall have been contracted by the soldiers under his command beyond the amount of their daily subsistence; if there be any overplus remaining it may be returned to him: —— if after public proclamation made as above directed the inhabitants shall notwithstanding suffer the soldiers to contract debts with them, it will be at their own peril, the officers not being obliged to discharge such debts.

BILLETS.

*8. IF any complaint shall be made against any officer or soldier of ill-treat-

ment of landlords by violence, extortion, or making disturbances in billets, the officer commanding shall, after proof of the justice of the complaint, cause reparation to be made, either by causing the offender to be tried for the offence, or by making compensation in money, to the extent of stopping half the offender's pay daily until the demand be satisfied or full reparation be made; and if such commanding officer shall refuse or neglect to cause such reparation to be made he shall be deemed equally culpable as the actual offender; —— and if the officer or soldier shall protest against such summary proceeding of his commanding officer, the matter shall be inquired into, and, if necessary, tried before a competent court-martial.

CARRIAGES.

9. THE commanding officer of every corps ordered to march is to apply to the proper magistrates for the necessary carriages; —— and to pay for them as directed by the Mutiny Act.

ARMS AND STORES.

10. EVERY captain is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores belonging to the troop or company under his command, for which he is to be accountable to his colonel or officer commanding the regi-

ment, in case of their being lost, spoiled, or damaged, not by unavoidable accident or on actual service.

ALL public stores taken from the enemy, whether of artillery, ammunition, engineer stores, clothing, forage, or provisions, shall be secured for our service, and the officers commanding in chief are to be answerable to us for any neglect in this respect. 11.

REDRESS OF WRONGS.

IF an officer shall think himself wronged by his commanding officer, and shall, upon due application made to him, not receive the redress to which he may consider himself to be entitled; —— he may complain to the general commanding in chief of our forces, in order to obtain justice; —— who is hereby required to examine into such complaint; —— and either by himself, or by our Secretary of State for War, to make his report to us thereupon, in order to receive our further directions. 12.

IF a non-commissioned officer or soldier shall think himself wronged in any matter affecting his pay or clothing by his captain, or other officer commanding the troop or company to which he belongs, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a *regimental* court of *13.

enquiry for the purpose of determining whether such complaint is just;—— from the decision of which court of enquiry either party may, if he thinks himself still aggrieved, appeal to a *general* court-martial;—— and such court shall hear and determine the merits of the appeal, and after determining the same, and after allowing the appellant to show cause to the contrary, by himself, and by witnesses, if any, may either confirm the appeal or dismiss it without more, or may, if it shall think fit, pronounce such appeal groundless and vexatious, and may thereupon sentence such appellant to such punishment as a general court-martial is competent to award:—— Provided that no stoppage of pay in respect of barrack damage duly assessed by a court of enquiry shall give any non-commissioned officer or soldier a right of appeal to a general or other court-martial.

MAINTENANCE OF GOOD ORDER.

14. EVERY commanding officer shall keep good order, and to the utmost of his power redress all disorders committed by any officer or soldier under his command; —— and all officers and soldiers are to behave themselves orderly in quarters and on their march, and are not to quit their camp or quarters, or to fail at parade.

15. ALL officers, of what condition soever, have power to quell all quarrels,

frays, and disorders, though the persons concerned should be of superior rank, or belong to another corps, and either to order officers into arrest, or soldiers into confinement, until their proper superior officers shall be acquainted therewith.

NO officer shall use any reproachful or provoking speeches or gestures to another. 16.

PROCEEDINGS ON COMMISSION OF OFFENCES.

WHENEVER any officer or soldier shall be accused of a capital crime, or of violence, or any offence against the persons or property of our subjects, punishable by the known laws of the land, the commanding officer and officers of his corps are, upon application duly made in behalf of the party injured, to use their utmost endeavours to deliver over such accused person to the civil magistrate; —— and assist the officers of justice in apprehending and securing him. 17.

WHENEVER any person subject to the Mutiny Act shall be charged with committing an offence, he shall, if an officer, be put in arrest, and if a soldier, be put in confinement, and shall, within a reasonable time, either be brought to trial before a court-martial, or be discharged from the said arrest or confinement. 18.

19. NO officer commanding a guard, or provost marshal, shall refuse to receive or keep any prisoner committed to his charge by any officer or non-commissioned officer belonging to our forces; —— and every such officer or non-commissioned officer shall, at the same time, or without unnecessary delay, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

DISCHARGES.

20. EVERY commissioned officer sentenced to be kept in penal servitude, on such sentence being confirmed, shall cease to belong to our service.

*21. SOLDIERS, having been duly enlisted and attested, shall not be dismissed our service without a discharge or certificate, granted according to the general order on that head, which shall be in force at the time of granting the discharge.

*22. NO *soldier* shall be discharged, unless by sentence of court-martial, or by order of our Commander-in-Chief, certified by an officer of the adjutant general's department; —— or by authority direct from us; —— except in the cases of soldiers serving on foreign stations, where general officers commanding are authorized, under such regulations and

restrictions as may from time to time be prescribed by our Commander-in-Chief, to direct that soldiers shall be discharged.

NO soldier shall be discharged, whether for unfitness or for any other cause, unless his services, conduct, character, and the cause of his discharge be ascertained before a regimental board, as herein-after provided; —— but when a soldier shall have been sentenced to penal servitude he may be discharged forthwith by order of our Commander-in-Chief, and such discharge shall not affect the execution of his sentence. *23.

RETURNS AND ACCOUNTS.

THE commanding officer of every corps, at home and abroad, shall, on the first of every month, transmit to the Commander-in-Chief of our forces, and to our Secretary of State for War, an exact return of the state of such corps, specifying the names of the officers absent, and the reason for and time of their absence. 24.

RETURNS shall be made, in like manner, of the state of our forces in Ireland, to the Lord Lieutenant or chief governors thereof, and to the general officer there commanding; —— and of our forces in Scotland to the officer there commanding. 25.

26. EXACT returns of the state of our garrisons and corps stationed abroad shall be transmitted by their respective governors or commanders there residing, by all convenient opportunities, to our Commander-in-Chief and Secretary of State for War.

27. ALL commissions granted by us, or by any of our generals having authority from us, shall be entered in the books of our Secretary of State for War, otherwise they will not be allowed of at the musters.

28. IT shall be the duty of all officers and soldiers to observe and conform to the provisions contained in the Regimental Debts Act, 1863, and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the royal sign manual.

*29. EVERY non-commissioned officer and soldier of our forces shall be provided with a book, calculated to show his services, age, date of enlistment, and the actual state of his accounts, in conformity with our regulations on this head; —— and every commanding officer shall state, upon the monthly return of the regiment under his command,

whether all the non-commissioned officers and soldiers of the regiment are in possession of the said books, and whether the orders on this head are properly attended to.

THE accounts of our forces shall be made up and transmitted according to such regulations as we may think fit to establish in relation thereto. 30.

SECTION II.

CRIMES AND PUNISHMENTS.

CRIMES WITH REGARD TO DIVINE WORSHIP.

ANY officer or soldier who, not having just impediment, shall not attend Divine service in the place appointed for the assembling of the corps to which he belongs; —— or who, being present, shall behave indecently or irreverently; —— or who shall offer violence to a chaplain of the army, or to any other minister of God's Word, shall be liable, if an officer, to such punishment as by a *general* court-martial shall be awarded, and if a soldier, to such punishment as by a *general*, *district*, or *garrison* court-martial shall be awarded. 31.

32. ANY non-commissioned officer or soldier who, without due cause or without leave from his commanding officer, shall absent himself from the garrison or regimental school, when duly ordered to attend there, shall be liable to be tried before a court-martial for disobedience of orders, or be subject to such punishment as it may be competent for his commanding officer to award.

33. ANY commissioned chaplain who shall absent himself from his duty (excepting in case of sickness or leave of absence) shall be brought before a *general* court-martial, and punished as the circumstances of his offence may require.

34. ANY commissioned chaplain who shall be guilty of misconduct or vicious behaviour derogating from the sacred character with which he is invested, shall, on conviction before a *general* court-martial, be discharged from his office.

PERJURY.

35. EVERY commissioned officer convicted before a *general* court-martial of perjury shall be cashiered; —— and every soldier or other person subject to these articles convicted thereof before a *general, district,* or *garrison* court-martial, shall be liable to such punishments as such court may award.

MUTINY AND INSUBORDINATION.

ANY officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition in any of our land or marine forces, or in any party, post, detachment, or guard, on any pretence whatever; —— or who, being present at any mutiny or sedition, shall not use his utmost endeavour to suppress the same; or who shall conspire with any other person to cause a mutiny; —— or who, coming to the knowledge of any mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer; —— or 36.

WHO shall strike a superior officer, or use or offer any violence against him, being in the execution of his office; —— or who, being confined in a military prison, shall strike, use, or offer any violence against a visitor or other his superior military officer, being in the execution of his office; —— or 37.

WHO shall disobey the lawful command of his superior officer; —— 38.

SHALL, if an officer, suffer DEATH, or such other punishment as by a *general* court-martial shall be awarded; ——

AND, if a soldier, shall suffer DEATH, PENAL SERVITUDE for a

term of not less than five years, or such other punishment as by a *general* court-martial shall be awarded.

39. ANY officer or soldier who shall use traitorous or disrespectful words against our royal person, or any of our royal family; —— or

40. WHO, being concerned in any fray, shall refuse to obey any other officer (though of inferior rank) who shall order him into arrest; —— or shall draw his sword upon or offer violence to such officer; ——

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, before a *general* court-martial, be CASHIERED; —— and if a *soldier*, shall, on conviction thereof before a *general*, *district*, or *garrison* court-martial, be liable to such punishments as such court may award.

41. ANY officer or soldier who shall behave with contempt or disrespect towards the general or other commander-in-chief of our forces, or shall speak words tending to his hurt or dishonour; —— or shall strike or offer violence or use threatening or insubordinate language to his superior officer; ——

SHALL, if an *officer*, on conviction thereof, be LIABLE to be CASHIERED;

or to suffer such other punishment, according to the nature and degree of the offence, as by the judgment of a *general* court-martial may be awarded; —— and if a *non-commissioned officer or soldier*, shall, on conviction thereof, be punished according to the nature and degree of the offence by a *general*, *district*, *garrison*, *regimental*, or other court-martial.

DESERTION, AND ABSENCE WITHOUT LEAVE.

ANY officer who shall desert our service shall suffer DEATH, or such other punishment as by a *general* court-martial shall be awarded; —— 42.

ANY non-commissioned officer or soldier who shall desert our service shall suffer DEATH, or such other punishment as by a *general* court-martial shall be awarded; —— and if tried by a *district* or *garrison* court-martial, shall suffer such punishment as such court may award; —— and any non-commissioned officer or soldier enlisted or in pay in any regiment or corps who shall, without having first obtained a regular discharge therefrom, enlist himself in our army, may be punished as a deserter from our service. Upon the conviction by court-martial of any soldier

of the crime of desertion, our Commander-in-Chief may, and if the court-martial has been held on a foreign station, the general or other officer commanding at such station may, order such soldier to serve in any regiment or corps.

43. ANY soldier may be tried for desertion without reference to the time during which he may have been absent, and may thereupon be found guilty either of desertion or of absence without leave.

44. ANY officer or soldier who shall advise or persuade any other officer or soldier to desert our service; —— or who shall knowingly receive and entertain any deserter, and shall not immediately on discovery give notice to his commanding officer, or to our Secretary of State for War, or shall not cause such deserter to be apprehended by the civil power; ——

SHALL, if an *officer*, on conviction thereof before a *general* court-martial, be CASHIERED; —— and if a *soldier*, shall, on conviction thereof before a *general*, *district*, or *garrison* court-martial, be liable to such punishments as such courts may award.

IF any man while belonging to a militia regiment, or to the volunteer permanent staff, shall enlist in and be attested for our army, he may be dealt with in the manner provided for in the 50th section of the Mutiny Act. 45.

IF any soldier while serving in any regiment or corps shall confess to his commanding officer that he is a deserter from some other regiment or corps, or from the militia, and evidence of the truth or falsehood of such confession cannot then be conveniently obtained, a record of such confession, signed by such commanding officer, shall be entered in the regimental books, and such soldier shall continue to do duty in the regiment or corps in which he shall then be serving, or in any other regiment or corps to which he may be transferred, until he shall be discharged, or until legal proof can be obtained of the truth or falsehood of such confession, of the making of which confession the said record, or a copy thereof purporting to bear the signature of the officer having the custody of the regimental books, shall be sufficient evidence; —— and in any case where such confession shall then appear to be true, such soldier may be arraigned before a *general*, *district*, or *garrison* court-martial on a charge for desertion, and, if convicted, may 46.

be punished accordingly; —— and where such confession shall appear to be false, such soldier may be arraigned before a *district* or *garrison* court-martial on a charge for making a false statement to his commanding officer; —— and he may, if convicted, be sentenced, in addition to imprisonment, with or without hard labour, to forfeiture of all advantage as to good-conduct pay, and pension on discharge, which might otherwise have accrued from his former service, and to forfeiture of any good-conduct badges, medals, decorations, and of any annuities or gratuities relating thereto; —— a letter purporting to be written in reply to an inquiry respecting the truth or falsehood of such confession, and to be signed by or on behalf of the commanding officer of the regiment or corps from which such soldier confesses himself to have deserted, shall be admissible in evidence against such soldier, and shall be deemed to be legal evidence of the facts stated therein.

47. OUR Commander-in-Chief may, and any general or other officer commanding on any foreign station may, within his command, dispense with the trial of any soldier confessing desertion, if he shall so think fit, and may thereupon order such soldier to serve in any regiment or corps; ——and such soldier shall thereupon forfeit his service for the period between the date

of the desertion stated in his confession and the date of the said order to serve, and shall not be allowed to reckon the said period as a part of the limited service for which he was enlisted or re-engaged, or for which his term of service may have been prolonged; and shall also forfeit all advantage as to good-conduct pay, and pension on discharge, which might have otherwise accrued from the length of his former service, and shall also forfeit all medals and decorations whatsoever which he may be in possession of and authorized to wear, together with any annuity or gratuity thereto appertaining; —— but any such soldier, if he shall have subsequently performed good, faithful, or gallant services in our army, may, on the same being duly certified by our Commander-in-Chief, be eligible to be restored to the benefit of the whole or of any part of his service; and should the restoration be approved by us, our order for the same will be signified through our Secretary of State for War.

* * * * * * * 48.

EVERY soldier shall be liable to 49.
be tried and punished for desertion from any regiment or corps into which he may have unlawfully enlisted, although he may of right belong to another regiment or corps, and be a deserter therefrom; ——and any number of charges for desertion may form the subject of a single arraignment.

50. ANY soldier who, without leave from his commanding officer, shall absent himself from his quarters, garrison, or camp, or from his troop, company, or detachment, or who, without a pass or leave in writing from his commanding officer, shall be found one mile or upwards from the camp, shall, on conviction thereof, be punished, according to the degree of the offence, by a *general* or other court-martial.

IF any soldier shall absent himself without leave for any period not exceeding *five* days, and shall not account for the same to the satisfaction of his commanding officer, and if any soldier shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorized to award, order that such soldier shall be imprisoned for any period not exceeding *one hundred and sixty-eight* hours, with or without hard labour, or with or without solitary confinement, as the said commanding officer may think fit;——and any soldier who shall have absented himself as aforesaid may in addition to or instead of such imprisonment, or other punishment which the commanding officer has authority to inflict, be further deprived, by order of his com-

manding officer, of his pay for the day or days of such absence;——

ANY soldier ordered by his commanding officer to suffer imprisonment or deprivation of pay (except in certain cases of fines for drunkenness in which the offence is not denied) shall, if he so request, have a right to be tried by a court-martial for his offence instead of submitting to such imprisonment or deprivation.

OFFENCES IN THE FIELD, CAMP, GARRISON, OR QUARTERS.

ANY officer or soldier who shall 51.
hold correspondence with or give intelligence to the enemy, directly or indirectly,—— or relieve with money, victuals, or ammunition, or knowingly harbour or protect, an enemy; —— or

MISBEHAVE before the enemy, 52.
or shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which it was his duty to defend; —— or shall compel, or speak words, or use other means to induce the governor or commanding officer, or any other person, to deliver up to the enemy, or to abandon, any garrison, fortress, post, or guard; —— or

LEAVE his commanding officer or 53.
his post to go in search of plunder; —— or

54. TREACHEROUSLY make known the watchword to any person not entitled to receive it according to the rules and discipline of war; —— or

55. BY discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms in action, camp, garrison, or quarters; —— or

56. CAST away his arms or ammunition in presence of an enemy; —— or

57. WHO, being a sentinel, shall be found sleeping on his post, or shall leave it before being regularly relieved; —— or

58. WHO, being employed in foreign parts, shall do violence to any person bringing provisions or other necessaries to the quarters of our forces; —— or force a safeguard; —— or break into any house or store or cellar for plunder; ——

SHALL on conviction of any one of the aforesaid offences suffer DEATH, PENAL SERVITUDE for a term of not less than five years, or such other punishment as by a *general* court-martial shall be awarded.

59. ANY officer or soldier who shall send any flag of truce to the enemy without due authority; —— or

WHO shall give a parole or watch-word different from what he received, without good and sufficient cause; —— or 60.

WHO shall, in operations in the field, spread reports by words or by letters calculated to create unnecessary alarm by spreading such reports, either in the vicinity or in rear of the army; —— or 61.

WHO shall, in action or previously to going into action, use words tending to create alarm or despondency; —— or 62.

WHO shall, either verbally or in writing, disclose the numbers, position, magazines, or preparations of the army for sieges or movements, and by such disclosures shall produce effects injurious to our army and our service; —— or 63.

WHO shall leave the ranks in order to secure prisoners or horses, or on pretence of taking wounded officers or men to the rear, without orders from his superior officer; —— or 64.

WHO shall leave his guard, picquet, or post; —— or shall be taken prisoner by any want of due precaution, or by disobedience of orders; —— or fall into the enemy's hands by passing through outposts; —— or 65.

66. WHO shall irregularly detain, seize, or appropriate to his own corps or detachment bread, spirits, forage, or any supplies proceeding to the army, contrary to the orders issued in that respect; —— or

67. WHO, being in command of any of our garrisons, forts, or barracks, shall connive at the exaction of exorbitant prices for houses or stalls let to suttlers; —— or lay any duty upon, or take any fee or advantage, or be in any way interested in the sale of provisions or merchandise brought into places under his command; —— or

68. WHO shall impede the provost marshal or any other officer legally exercising authority; —— or refuse to assist him when requiring his aid in the execution of his duty; —— or

69. WHO, being under arrest, or in prison, shall leave or escape from his confinement before he is set at liberty by proper authority; ——

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, before a *general* court-martial, be CASHIERED; ——and, if a *soldier*, shall, on conviction thereof before a *general*, *district*, or *garrison* court-martial, be liable to such punishments as shall accord with the provisions of the Mutiny Act and with the usage of the service.

ANY officer or soldier who shall fail to appear at the place of parade or rendezvous appointed by his commanding officer, or shall go from thence without leave before he shall be relieved; —— or who shall, without urgent necessity, quit his platoon or division; —— or 70.

WHO, in the United Kingdom or British Isles, shall by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, occasion false alarms in camp, garrison, or quarters; —— or 71.

WHO shall not, within *twenty-four hours* after the commitment of any prisoner, or as soon as he shall be relieved from his guard or duty, give in writing the prisoner's name and crime, and the name and rank of the officer or other person who committed him, to the officer commanding the garrison or regiment to whom he may be ordered to report; —— or 72.

WHO, when in command of a guard, picquet, or patrole, shall, without proper authority, release any prisoner committed to his charge, or shall suffer him to escape; —— or 73.

WHO shall unnecessarily detain any prisoner in confinement, without bringing him to trial; —— or 74.

75. WHO shall neglect to obey any garrison or other orders; ——

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, be LIABLE to be CASHIERED, — or suffer such other punishment, according to the nature and degree of the offence, as by the judgment of a *general* court-martial may be awarded; —— and, if a *non-commissioned officer* or *soldier*, shall, on conviction of any of the aforesaid offences, be punished according to the nature and degree of the offence by a *general*, *district*, *garrison*, *regimental*, or other court-martial.

DRUNKENNESS.

76. IF any officer shall be drunk on any duty under arms, he shall, on conviction thereof before a *general* court-martial, be sentenced to be cashiered.

77. IF any soldier shall be drunk, whether on duty or not on duty, he shall, on conviction thereof before any court-martial, in addition to, or without any such other punishment as the court may award, be liable to a fine not exceeding one pound, to be levied by stoppages from the offender's daily pay.

IF any soldier shall be drunk, whether on duty or not on duty, his commanding officer may, with or without any

other lawful punishment, award him to pay a fine not exceeding ten shillings, such fine to be levied by stoppages from the offender's daily pay. Any soldier who shall object to such award on the ground of his innocence of the offence shall, if he so request, have a right to be tried by a *district* or *garrison* court-martial instead of submitting to such fine.

IN levying any fine or fines for drunkenness, whether imposed by a court-martial or a commanding officer, the stoppages from the offender's daily pay shall in no case exceed fourpence a day.

A *regimental* or *detachment* court-martial may try any non-commissioned officer on a charge of drunkenness not on duty, but shall not try any other soldier on such charge. 78.

IF any soldier shall be drunk when not on duty, and it shall appear expedient to the commanding officer that such soldier by reason of previous offences of drunkenness should be brought before a *district* or *garrison* court-martial, he shall make application to the general officer commanding the district or station, who shall, if he shall so think fit, make order for the trial of such soldier, and such soldier being convicted of the act of drunkenness shall be liable to such punishments as the court may award.

IN every case where a soldier is found guilty by a court-martial of drunkenness, whether on duty or not on duty, the court shall, for the purpose of assisting their discretion in awarding punishment, receive evidence of all former entries of drunkenness against the prisoner in the regimental, company, battery, or other defaulters book.

DISGRACEFUL CONDUCT.

79. ANY officer who shall behave in a scandalous manner, unbecoming the character of an officer and a gentleman; ——

SHALL, on conviction thereof before a *general* court-martial, be CASHIERED.

80. ANY officer or soldier, or other person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, ammunition, clothing, or other stores belonging to our army, or for our use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein, or connive thereat; ——

MAY, on conviction thereof before a *general* court-martial, be sentenced to *penal servitude* for any term of years not

less than five, — or to such other punishment as shall accord with the provisions of the 17th section of the Mutiny Act; —— and on the trial of such offender, such court shall proceed in all particulars in accordance with the provisions of the said section; ——

AND such offender, on conviction thereof before a *district* or *garrison* court-martial, shall be liable to such punishments as the court may award.

ANY soldier who shall malinger, feign, or produce disease or infirmity,— or shall wilfully do any act, — or wilfully disobey any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, — or delaying his cure; —— 81.

Or who SHALL

WILFULLY maim or injure himself or any other soldier, whether at the instance of such other soldier or not, or cause himself to be maimed or injured by any other person, with intent thereby to render himself or such other soldier unfit for service; ——

Or who SHALL

TAMPER with his eyes, with intent thereby to render himself unfit for service; ——

Or who SHALL

STEAL any money or goods the property of a comrade, of a military officer, or of any military or regimental mess or band, or who shall receive any such money or goods knowing them to have been stolen; ——

Or who SHALL

STEAL or embezzle Government money or property, or shall receive the same knowing them to have been stolen or embezzled; ——

Or who SHALL

COMMIT any other offence of a felonious or fraudulent nature; ——

Or who SHALL

BE guilty of any other disgraceful conduct of a cruel, indecent, or unnatural kind; ——

MAY, on conviction thereof before a *general, district,* or *garrison* court-martial, be sentenced to such punishments, other than death or penal servitude, as the court may award.

82. ANY soldier, whether on or off duty, who shall become maimed or mutilated or injured, except by wounds received in action, shall be forthwith brought before a court of inquiry; —— and such court shall report their opinion whether such

maiming or mutilating or injuring was occasioned by design, and if the court shall report that the maiming or mutilating or injuring was not occasioned by design, the soldier shall not be liable to be called to account in respect thereof; —— but if the court shall report their opinion that such maiming or mutilating was occasioned by the designed and wilful act of such soldier, or by any other person at the instigation of such soldier, with intent on the part of such soldier to render himself unfit for the service, and not by accident, in that case the soldier shall be forthwith put upon his trial before a *general, district,* or *garrison* court-martial on a charge for *disgraceful* conduct, and such soldier shall not be discharged from our service (unless specially directed by our Commander-in-Chief to be discharged), but shall be retained, and employed on such duties or military work as we may from time to time direct, through the Commander-in-Chief of our forces; —— and the proceedings of such court of inquiry and of such court-martial shall be transmitted, through our Judge Advocate General, to our Commander-in-Chief, and afterwards by our Secretary of State for War to our Commissioners of Chelsea Hospital, in order that they may, when the case comes before them, have the best means of arriving at a just decision, either to grant or to withhold from such soldier a pension; —— or

83. ANY soldier who shall be convicted of having tampered with his eyes, with intent thereby to render himself unfit for service,—shall not be entitled to his discharge or to a pension;—— but shall be detained in an eye infirmary or military hospital, or shall be sent to his parish, or dismissed, according to our directions given from time to time to our Commander-in-Chief.

FALSE RETURNS.

84. ANY officer who shall, through design or culpable neglect, omit or refuse to make or send a return or report;—— or shall make a return or report, to us, to the Commander-in-Chief of our forces, to our Secretary of State for War, or to any his superior officer, authorized to call for a return or report of the state of any regiment, troop, or company, garrison or corps, under his command, knowing such return or report, or any statement therein, to be false;——or

85. WHO shall make a false muster of man or horse, or shall knowingly allow or sign any muster roll, pay list, certificate, or return wherein such false statement is contained, or any duplicate thereof;—— or who shall intentionally allow to be given any untrue documents, or conceal or omit the true facts directed to be stated, whereby to excuse any officer or soldier from muster

or duty, by withholding the names of absent persons, or the true reasons and time of absence; —— or

WHO shall, by any false statement, certificate, or document, or omission of the true statement, attempt to obtain for any officer or soldier, or other person whatsoever, any pension, retirement, half pay, gratuity, sale of commission, exchange, transfer, or discharge; —— or 86.

ANY officer or soldier who shall make or be privy to the making of any false entry, alteration, or erasure in any account, description book, attestation, record, register, discharge, or other document, whereby the real services, causes of discharge or disability, wounds, conduct of, or sentences of courts-martial upon, any person whatsoever, shall not be truly given, or who shall wilfully omit to report or record any other facts relating thereto, which it was his duty to have done in conformity with our regulations; —— or 87.

WHO shall intentionally give in any false return or report or statement whatsoever of arms, ammunition, clothing, money, stores, or any provisions belonging to us, or for the use of our forces; —— or who shall, by any false document, be concerned in or connive at any fraudulent 88.

embezzlement of the stores aforesaid, or who shall, by producing any false certificates or vouchers or accounts, or in any other way, misapply the public money, for purposes other than those for which it was intended; —— or

89. WHO shall, by any concealment or wilful omission, attempt to evade the true spirit and meaning of our orders and regulations relating to the foregoing points; ——

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, before a *general* court-martial, be CASHIERED; ——

AND, if a *soldier*, shall, on conviction by a *general*, *district*, or *garrison* court-martial, be liable to suffer such punishments, other than death or penal servitude, as the court may award.

90. ANY officer who shall have signed certificates, returns, or forms of accounts in blank, before the paymaster, quartermaster, or other person concerned in making up the said documents has inserted therein the whole of the circumstances for which the officer's signature is to be a voucher; ——

SHALL, on conviction thereof, be LIABLE to be CASHIERED, —or suffer

such other punishment, according to the nature and degree of the offence, as by the judgment of a *general* court-martial may be awarded.

BILLETS AND CARRIAGES.

ANY officer or soldier who shall demand billets for more than his effective men; —— or quarter wives and children or servants in houses, without the consent of the occupiers; —— or take money for freeing from billets; —— 91.

SHALL, if an *officer*, on conviction thereof before a *general* court-martial, be CASHIERED; —— and, if a *soldier*, shall, on conviction thereof before a *general*, *district*, or *garrison* court-martial, be liable to such punishments as shall accord with the provisions of the Mutiny Act and with the usage of our service.

ANY officer or soldier who shall be guilty of any ill-treatment of landlords by violence, extortion, or making disturbances in billets; —— and any commanding officer who shall refuse or neglect to cause reparation to be made for such ill-treatment, after receiving proof of the justice of the complaint; —— and 92.

ANY officer commanding any corps or detachment who shall not take 93.

care that his own quarters and billets, and those of all officers and soldiers under his command, be cleared, and the accounts regularly settled at the end of every four days, or before the troops shall quit their quarters, if they do not remain four days; —— and

94. ANY officer or soldier who shall permit carriages pressed for baggage to be overloaded, or shall permit the persons attending them to be ill-treated, or to be forced to take upon their carriages (except on emergencies as provided for by law) any women, or any soldiers, other than the sick and lame; —— or who shall refuse to certify the sums due for carriages, and the name of the corps employing them; ——

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, be LIABLE to be CASHIERED, — or suffer such other punishment, according to the nature and degree of the offence, as by the judgment of a *general* court-martial may be awarded; —— and if a *non-commissioned officer or soldier*, shall, on conviction of any of the aforesaid offences, be punished, according to the nature and degree of the offence, by a *general*, *district*, *garrison*, *regimental*, or other court-martial.

RECRUITING.

EVERY person subject to these articles who shall wilfully contravene any of the provisions of the Mutiny Act, or the regulations of the service, in any matter relating to the enlisting or attesting of recruits, may be tried for such offence before a *general*, *district*, or *garrison* court-martial, and be sentenced to such punishments, other than death or penal servitude, as such court may award. 95.

MISCELLANEOUS OFFENCES.

ANY officer or soldier who, on application being made to him for that purpose, shall wilfully neglect or refuse to deliver over to the civil magistrate, — or to assist in the apprehension of officers or soldiers accused of crimes punishable by law; —— or 96.

WHO shall protect any person from his creditors on the pretence of his being a soldier,—or who shall protect any soldier not actually doing duty as such in any manner not allowed by the Mutiny Act; —— 97.

SHALL, if an *officer*, on conviction of any one of the aforesaid offences before a *general* court-martial, be CASHIERED;——and, if a *soldier*, shall, on conviction thereof before a *general*,

district, or *garrison* court-martial, be liable to such punishments as such courts may award.

98. EVERY person subject to these articles who shall fight or promote a duel, or take any steps thereto, or who shall not do his best to prevent a duel, shall, — if an officer, be liable to be CASHIERED, or to suffer such other punishments as a *general* court-martial may award; —— if other than an officer, shall be liable to such punishments as a *general*, *district*, or *garrison* court-martial may award.

99. EVERY officer whose character or conduct as an officer and gentleman has been publicly impugned, shall within reasonable time submit the case to his commanding officer, or to other competent military authority for investigation, on pain of suffering such punishment as a *general* court-martial may award.

100. ANY officer or non-commissioned officer who shall strike or otherwise ill-treat any soldier; —— or

101. ANY soldier who shall hire, or any officer or non-commissioned officer who shall connive at a soldier hiring, another person to do his duty for him; —— or

102. ANY soldier who shall pawn, sell, lose by neglect, make away with, or

wilfully spoil his arms, accoutrements, or necessaries, — or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear, on the recommendation of the surgeon, for the benefit of his health; —— or spoil or wilfully deface or make away with or pawn his medal granted him for service in the field, or for general good conduct by our order, or by order of the late East India Company; — or sell, lose by neglect, make away with, or ill-treat his horse; —— or

ANY officer or soldier who shall commit any waste or spoil, either in walks of trees, parks, warrens, fishponds, houses, or gardens, vineyards, olive groves, corn fields, enclosures, or meadows; —— or shall maliciously destroy any property; —— whether belonging to our own subjects, or to inhabitants of other countries; —— unless the destruction of property shall be ordered by the Commander-in-Chief of our forces, to annoy rebels or other enemies in arms against us; —— 103.

SHALL, if an *officer*, on conviction of any one of the aforesaid offences, be LIABLE to be CASHIERED, — or suffer such other punishment, according to the nature and degree of the offence, as by the judgment of a *general* court-martial may be awarded; —— and, if a *non-commissioned officer or soldier*, shall,

on conviction of any of the aforesaid offences, be punished, according to the nature and degree of the offence, by a *general*, *district*, *garrison*, *regimental*, or other court-martial.

104. IF any person subject to the Mutiny Act attempt to commit suicide, he shall be liable to be tried by a court-martial; —— and, upon conviction, he shall be liable, if an officer, to be cashiered, and, if a soldier, to suffer imprisonment, with or without hard labour.

105. AND all crimes not capital, — and all acts, conduct, disorders, and neglects, — which officers and soldiers, and other persons subject to these our Articles of War, may be guilty of, to the prejudice of good order and military discipline,— though not specified in the foregoing cases, or in these our Articles of War,—shall be taken cognizance of by courts-martial, according to the nature and degree of the offence, and the offender shall suffer such punishment as the court may award.

SECTION III.

COURTS-MARTIAL.

COMPOSITION OF COURTS-MARTIAL.

A *GENERAL* court-martial, if convened in the United Kingdom, the East Indies, Malta, or Gibraltar, shall consist of not less than *nine*, — if convened in Nova Scotia or Bermuda, of not less than *seven*,— and if convened in any other colony, or in any place beyond our dominions, of not less than *five* commissioned officers, each of whom shall have held a commission for three years before the assembling of the court. No field officer shall be tried by any person under the degree of a captain. 106.

ANY officer commanding any detachment or portion of our troops, which may at any time be serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any such countries by any person serving with or belonging to our armies, under his immediate command, may assemble a *detachment general* court-martial of not less 107.

than *three* commissioned officers of any corps to try any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble courts-martial.

108. A *district* or *garrison* court-martial, if convened in the United Kingdom, the East Indies, Malta, or Gibraltar, shall consist of not less than *seven*,—if convened in Nova Scotia or Bermuda, of not less than *five*,—and if convened in any other colony, or in any place beyond our dominions, of not less than *three* commissioned officers.

109. EVERY *district* or *garrison* court-martial may be composed of any officers of different corps, and of officers of our Royal Artillery, and Engineers, and Royal Marines, and of officers of the general staff, whose appointments have been duly notified in general or garrison orders, provided such officers are in the receipt of their full pay on the staff, and are themselves amenable to military law, although on the half pay of their regimental rank;——or, except for the trial of warrant officers, may be entirely composed of officers of the same regiment, assembled by order of the senior officer on the spot.

110. EVERY *district* or *garrison* court-martial shall be assembled in conformity

with the orders of the officer under whose command the corps is placed, who will previously regulate the holding of courts-martial within his command, delegating or withholding the power to commanding officers to convene *district* or *garrison* courts-martial as he may deem to be most expedient, or as our commander of the forces may direct.

111. A warrant officer may be tried by a *district* court-martial, to be appointed by the general officer commanding our forces in the district where the corps shall be situated, if in the United Kingdom, and if elsewhere, by the officer commanding in chief on the station; —— and such court-martial, if convened in Bermuda, the Bahamas, the Cape of Good Hope, the settlements in southern or the western coast of Africa, Saint Helena, British Columbia, Vancouver's Island, Jamaica, Honduras, Newfoundland, New Zealand, the Australian colonies, the Windward and Leeward Islands, British Guiana, Hong Kong, the Prince of Wales Island, Singapore, Malacca, or in the settlements on the coast of China, or in the East Indies, may consist of five, and if convened elsewhere shall consist of not less than seven, commissioned officers, and of such officers not more than *two* shall be taken from the regiment in which

the warrant officer to be tried is serving; —— and no more than *two* of the members shall be under the degree of a captain.

112. THE commissioned officers of every regiment, battalion, brigade, or regimental depôt, or of a detachment of ordnance corps, or of the Army Service Corps, commanded by an officer not under the rank of captain, may, by the appointment of their colonel or commanding officer, without other authority than these our Rules and Articles of War, hold *regimental* courts-martial consisting of not less than *five* officers (unless it be found impracticable to assemble that number, when *three* shall be sufficient); —— and may inquire into such disputes or criminal matters as may come before them; —— and the commanding officer shall in no case be a member of such court.

WHEN any portion of a regiment or battalion is attached for duty to another regiment or battalion, the officers and men of both such regiments or battalions shall be deemed to belong to one and the same regiment for all purposes of trials by regimental court-martial.

113. THE commissioned officers of any detachment or portion of our troops, which

may at any time be serving in any part of our dominions, or elsewhere, or may be embarked on board a transport ship, convict ship, merchant vessel, or troop ship not in commission, although such detachment or portion of our troops shall consist of men from different regiments, may, by the appointment of the senior officer in command of the detachment, district, station, garrison, barrack, island, or colony, provided he be not under the rank of a captain, or in case such troops shall be on board any transport ship, convict ship, merchant vessel, or troop ship not in commission, by the appointment of the senior officer on board, whatever be his rank, without any other authority than these our Articles of War, hold *detachment* courts-martial, within our dominions, or elsewhere, consisting of not less than five officers (unless it be found impracticable to assemble that number, when three shall be sufficient); —— and may inquire into such disputes or criminal matters as may come before them, according to the rules and limitations observed by *regimental* courts-martial.

114. THE president of every court-martial shall be appointed by or under the authority of the officer convening such court, and shall in no case be the confirming officer, or the officer whose duty it has

been to investigate the charges on which the prisoner is to be arraigned; —— nor in the case of a general court-martial, or of a district court-martial for the trial of a warrant officer, under the degree of a field officer, unless a field officer cannot be had; —— nor in any case whatever under the degree of a captain, save in the case of a detachment general court-martial, or of a regimental or detachment court-martial holden on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship not in commission, or at any place where a captain cannot be had: ——

IN the case of a detachment general court-martial, the officer convening such court may be the president thereof.

POWERS OF COURTS-MARTIAL.

115. A *general* court-martial may sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service.

116. NO sentence of *death* shall pass without the concurrence of *two thirds* at the least of the officers present. —— No sentence of penal servitude shall be for a period of less than five years; and no

sentence of imprisonment shall be for a period longer than two years.

NO court-martial, other than a *general* court-martial, or a *detachment general* court-martial having the same powers as a general court-martial, shall have power to pass any sentence of death or penal servitude. 117.

ANY *general*, *district*, or *garrison* court-martial may, in addition to any other punishment which such court may award, sentence any offender to all or any of the following forfeitures:

To forfeit absolutely or for any period not less than eighteen months any good-conduct badge or any good-conduct pay which such offender may have earned by past service:

To forfeit any annuity, gratuity, medal, or decoration which may have been granted to him:

To forfeit any advantage as to pension which he may have earned by past service:

To forfeit all right to good-conduct pay and to pension on discharge, whether in respect of past or future service:

Such court may also, in addition to any other lawful punishment, sentence any offender to be discharged from our service with ignominy.

*118. NO court-martial shall, for any offence whatever during a time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War; and no sentence of corporal punishment shall exceed fifty lashes.

119. A *general*, *district*, or *garrison* court-martial may, in addition to any sentence of corporal punishment, award imprisonment, with or without hard labour, and with or without solitary confinement.

120. ANY confirming officer may commute a sentence of corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement; —— or may mitigate it, either by reducing the number of lashes, or by awarding, instead of such sentence, an imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment to be inflicted in the prison, not exceeding twenty-five lashes.

THE solitary confinement awarded in commutation of a sentence of corporal punishment shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

WHEN any court-martial shall award a sentence of imprisonment, and shall direct that such imprisonment shall be solitary confinement only, the period of such solitary confinement shall in no case exceed fourteen days. 121.

IN situations in which it may be impracticable to put in execution sentences of solitary confinement, the convening officer will give the court instructions to that effect, and the court in awarding a sentence of imprisonment is hereby directed to have regard to such instructions. 122.

NO sentence of a *general* court-martial shall be put in execution till after a report shall have been made of the whole proceedings to us; —— or to the officer commanding in chief; —— or to some other person duly authorized by us, under our sign manual, or by warrant granted in pursuance of authority under our sign manual, to confirm the same, and until our or his directions shall have been signified thereupon; —— and no sentence of death shall be carried into effect in 123.

any of our colonial possessions until it shall have been approved in our behalf by the civil governor or person administering the civil government.

124. A *detachment general* court-martial shall have the same powers in regard to sentence upon offenders as a *general* court-martial; —— but no sentence of a *detachment general* court-martial shall be executed until the general commanding the army of which the division, brigade, detachment, or party forms part, and to which any person so tried, convicted, and adjudged shall belong, shall have approved and confirmed the same.

125. A *general* court-martial may sentence a commissioned officer to loss of army or regimental rank, in addition to any reprimand or other punishment which it may award, by reducing him, if under the rank and degree of a field officer, to the bottom of or to any other place on the list of the regimental rank in which he may be serving; —— or if a superior officer, to the last or any other place on the list of the army rank in which he may be serving; —— and in all cases where the officer so sentenced to loss of rank holds army as well as regimental rank, the loss of rank may be inflicted in either or both of those ranks; —— and such court may sentence such officer to be imprisoned, with or without hard labour,

in any case in which the court shall be authorized by law, and shall deem it necessary, to adjudge such punishment; —— but it shall not have power to sentence such officer to be suspended from doing duty, or from pay. With respect to officers of our Indian staff corps, a general court-martial may sentence any such officer to forfeit all or any part of his army or staff service, or all or any part of both.

A *general*, *district*, or *garrison* court-martial may sentence any soldier to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time nor eighty-four days in any one period of three hundred and thirty-six days, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; —— and when the imprisonment awarded shall exceed eighty-four days, the court shall expressly order that the solitary confinement shall not exceed seven days in any twenty-eight days of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods. *126.

NO sentence of a *district* or *garrison* court-martial shall be put in execution till it has been confirmed by the general *127.

officer, governor, or senior officer in command of the district, garrison, island, or colony.

128. A warrant officer may be tried by a *district* or *garrison* court-martial, and may be sentenced to be dismissed from the service, or to be suspended from rank and pay and allowances for any stated period, or to be reduced to the bottom or any other place in the list of the rank which he may hold, or to be reduced to an inferior class of warrant officer, or, if he was originally enlisted as a private soldier, and continued in the service until his appointment to be a warrant officer, to be reduced to the rank of a private soldier, or to be remanded to regimental duty in the rank held by him immediately before his appointment to be a warrant officer.

A warrant officer may be sentenced by a *general* court-martial to these and to such other punishments as such court is competent to award.

A warrant officer shall in no case be liable to corporal punishment.

THE government of any of the presidencies in India may reduce any warrant officer serving in or belonging to such presidency to a lower grade of war-

rant rank, or may remand any such warrant officer to regimental duty in the rank held by him immediately previous to his appointment to be a warrant officer.

A hospital apprentice in India may be sentenced by a *general*, *district*, or *garrison* court-martial to be suspended from rank and pay and allowances for a stated period, or to be reduced to the lowest or any other place in the list of hospital apprentices, or to both of these punishments in conjunction, or to be dismissed from the service.

A *regimental* or *detachment* court-martial may sentence any soldier to imprisonment, with or without hard labour for any period not exceeding forty-two days, and may also direct that such soldier may be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with an interval between them of not less duration than such period of solitary confinement; —— but no sentence shall be executed until the commanding officer shall have confirmed the same; —— nor shall any sentence of a *detachment* court-martial having the same powers only as a *regimental* court-martial be executed, until the superior officer on the spot, not being a member of the court, shall have confirmed the same. *129.

*130. IN addition to any other punishment which the court may award, a court-martial may further sentence any offender to be put under stoppages of pay until he shall have made good—

Any money or articles issued to him in respect of his fraudulent enlistment, or by reason of any fraudulent misrepresentation or concealment on his part:

Any loss or damage occasioned by him in any instance of disgraceful conduct:

Any loss or destruction of, or damage or injury to, any property whatsoever, occasioned by his wilful or negligent misconduct:

Any medal or decoration for service in the field or for general good conduct which may have been granted to him by our order, or any medal or decoration which may have been granted to him by any foreign power, which medal or medals he may have been authorized to wear, and may have made away with or pawned:

Any loss, destruction, or damage of his horse, arms, clothing, instruments, equipments, accoutrements, or regimental necessaries; —— or of those of any officer or soldier; —— or of any extra article of clothing or equipment that he or any other soldier may have been put in posses-

sion of and ordered to wear on the recommendation of the surgeon:

Any expense necessarily incurred by his drunkenness or other misconduct.

EXCEPT in the case of the loss, destruction, or damage of any arms, clothing, instruments, equipments, accoutrements, or regimental necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till the cost of replacing the same be made good, the amount of any loss, destruction, damage, or expense shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court. *131.

SO. much only of the pay of the soldier may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue of at the least one penny a day. *132.

WHEN an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced except under special circumstances, to be determined by the Commander-in-Chief, with the concurrence of our Secretary of State for War. 133.

134. WHEN any person subject to these articles has been sentenced by a court-martial to stoppages of pay, it shall be lawful for our Commander-in-Chief, with the concurrence of our Secretary of State for War, or for the Commander-in-Chief of our Forces in India, with the concurrence of the Government of India, or for the Commander-in-Chief of our Forces in each of the Presidencies in India, with the concurrence of the local government, to remit the whole or any portion of such stoppages in any case where such remission may appear to be conducive to the good of our service.

*135. IN case of mutiny or insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship not in commission, the offender may be tried by a *regimental* or *detachment* court-martial, and the sentence confirmed and carried into execution on the spot by the officer in the immediate command of the troops, not being a member of the court; —— but the sentence shall not exceed that which a regimental court-martial is competent to award; —— and any sentence, so confirmed, shall be noticed in the monthly return of courts-martial sent in to our adjutant general, and, if on the line of march, reported to the general commanding.

NO *regimental* court-martial shall try any soldier for absence without leave, if the absence has exceeded the period of *twenty-one days*, without the permission of the general or other officer commanding the brigade, district, or garrison; —— nor shall try any soldier for desertion. *136.

A *non-commissioned officer* not being an army schoolmaster may be reduced to the ranks by the sentence of a *regimental* or other court-martial; —— or by the order of the Commander-in-Chief, or the colonel, or in the militia the appointed commandant, of the regiment or corps.—— An army schoolmaster may be sentenced to dismissal or loss of service, but not to reduction. —— The words Commander-in-Chief in this article shall include the Commander-in-Chief of our forces in India, and the Commander-in-Chief of our forces in each of the presidencies in India. *137.

WHENEVER sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or penal servitude, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprison- 138.

ment or penal servitude respectively may exceed the term for which any of those punishments could otherwise be awarded.

WHENEVER Her Majesty, or any general or other officer authorized to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

139. EXCEPT in the cases mentioned in the preceding article, every term of penal servitude, or of imprisonment under the sentence of a court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall be signed by the president: —— The place of imprisonment under the sentence of *general* courts-martial shall be appointed by the

officer commanding the district, garrison, island, or colony in which the court may be held ; —— and under the sentence of any other court-martial, shall be appointed by the officer confirming the proceedings of such court-martial ; —— and in default of such appointment, then the place of imprisonment shall be appointed by the officer commanding the regiment or corps to which the prisoner belongs or is attached.

NO commanding officer shall, by giving in against a prisoner vague and indefinite charges, try before a *regimental* court-martial grave offences, which are directed to be tried by *general*, *district*, or *garrison* courts-martial ; —— BUT as it may be advisable that some of the foregoing offences, which in certain cases may admit of less serious notice, should be tried by *district*, *garrison*, *regimental*, or *detachment* courts-martial, — in such cases the officer commanding the battalion, corps, or detachment, who may deem it advisable so to proceed, shall lay a statement of the case, together with the charge he intends to bring, before the general or other officer commanding the brigade, district, or garrison, with an application so to proceed. ——The general or superior officer will exercise his discretion in directing the description of court by which the offender shall be tried, but the 140.

permission to try grave offences by a *district, garrison, regimental,* or *detachment* court-martial shall be recorded in the heading of the proceedings of such court as well as noticed in the monthly return of courts-martial sent in to our adjutant general.

141. IN all places other than the United Kingdom or British Isles, whenever the punishment of death shall have been awarded by a *general* or a *detachment general* court-martial, the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, may order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, such solitary confinement not exceeding the periods prescribed in the 126th article, as shall seem meet to the officer commanding as aforesaid.

142. IN all places other than the United Kingdom or British Isles, whenever a sentence of penal servitude shall have been awarded by a *general* or *detachment general* court-martial, the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, may

order the offender to suffer imprisonment, (with or without hard labour, and with or without solitary confinement, such solitary confinement not exceeding the periods prescribed in the 126th article,) for such term not exceeding two years as shall seem meet to the officer commanding as aforesaid.

TRIAL OF CIVIL OFFENCES BY COURT-MARTIAL IN PLACES WITHIN OUR DOMINIONS BEYOND SEAS, OTHER THAN THE EAST INDIES, WHERE THERE IS NO CIVIL JUDICATURE.

143. ANY officer or soldier who may be serving in any place within our dominions beyond the seas, (excepting India,) where there is no civil judicature in force, by our appointment, or under our authority, competent to try such offenders, or who may be serving in our garrison of Gibraltar, and who shall be accused of treason, or of any other civil offence, which, if committed in England, would be punishable by a court of ordinary criminal jurisdiction, and not by a court-martial, shall be tried by a *general* court-martial appointed by the officer commanding in chief in such place as aforesaid for the time being; —— and if found guilty, shall be liable, in the case of an offence which, if committed in England, would be capital, to suffer DEATH, or such other punishment as by the sentence

of such *general* court-martial shall be awarded;—— and in the case of any other offence, to suffer such punishment other than death as by the sentence of such *general* court-martial shall be awarded; —— no such punishment, nevertheless, to be of such a nature as shall be contrary to the usages of English law in regard to the punishment of offenders, or to be carried into effect until such officer commanding in chief as aforesaid shall have confirmed the same;—— and in all cases where such court-martial shall have convicted any such officer or soldier of any offence punishable with death, it shall be lawful for such court-martial, instead of sentencing the offender to death, to adjudge him to be kept in penal servitude for a term of not less than five years; —— and we hereby reserve to ourselves the power, in all cases where a sentence of death shall have been pronounced on any officer or soldier by any general court-martial as aforesaid, instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude, or to be imprisoned, with or without hard labour, for such period of time as, on consideration of all the circumstances of the case, shall seem to us to be most just and fitting.

TRIAL OF CIVIL OFFENCES IN THE EAST INDIES.

144. [*See* Mutiny Act, Section 101.]

TRIAL OF CIVIL OFFENCES IN PLACES OUT OF OUR DOMINIONS.

ANY officer or soldier who may be serving with our forces out of our dominions, who shall be accused of treason, or of any other civil offence which, if committed in England, would be punishable by a court of ordinary criminal jurisdiction, and not by a court-martial, shall be tried by a general court-martial, appointed by the general or other officer having power to appoint courts-martial in such place for the time being, and if found guilty shall be liable, in the case of an offence which, if committed in England, would be capital, to suffer death, or such other punishment as by the sentence of such general court-martial shall be awarded; —— and in the case of any other offence to suffer such punishment other than death as by the sentence of such general court-martial shall be awarded; —— no such punishment, nevertheless, to be of such a nature as shall be contrary to the usages of English law in regard to the punishment of offenders, or to be carried into effect until confirmed by the general or other officer by whom or under whose authority such court-martial was appointed; —— and in all cases where such court-martial shall have convicted any such officer or soldier of any offence punishable with death, it shall be lawful for such 145.

court-martial, instead of sentencing such offender to death, to adjudge him to be kept in penal servitude for a term of not less than five years; —— and in all cases where such court-martial shall sentence any officer or soldier to death, it shall be lawful for the general or other officer commanding our said forces in chief, by whose authority from us such court-martial was assembled, instead of causing such sentence to be carried into execution, to order such officer or soldier to be kept in penal servitude, or to be imprisoned, with or without hard labour, for such period of time not exceeding two years as to him shall seem meet: —— And in the case of a commissioned officer no sentence of death or penal servitude shall be carried into effect until confirmed by the officer commanding in chief the said forces. —— But as it may be expedient to hold detachment general courts-martial for the trial of such of the civil offences aforesaid as are provided for in the 12th section of the Mutiny Act, the provisions of this article shall not be deemed to affect the jurisdiction of detachment general courts-martial in such cases; —— and those courts shall in such cases have the same powers as are granted by this article to general courts-martial; —— and the general or other officer commanding our said forces in chief as aforesaid shall have the same powers as regards

detachment general courts-martial as are conferred on him by this article in regard to general courts-martial.

MIXTURE OF OFFICERS.

146. WHERE it is necessary or expedient, a court-martial, composed exclusively of officers of our army, or of officers of our royal marines, or of officers of both those services, whether the commanding officer by whose order such court-martial is assembled belongs to our land or to our marine forces, may try a person belonging to either of these services. ——When the person to be tried shall belong to our army, then the proceedings of such court shall be regulated as if the court were composed of officers of our army only, and the provisions of the Mutiny Act and Articles of War for our army shall be applicable to the proceedings of such court:——When the person to be tried shall belong to our royal marines, then the proceedings of such court shall be regulated as if the court were composed of officers of our land forces only, except that the provisions of such Act and Articles of War as shall be in force for the regulation of our royal marine forces while on shore shall be applicable.

147. IT is our will and pleasure that *general* courts-martial upon officers and soldiers of our regiments of life guards

or horse guards, for differences arising purely among themselves, or for crimes relating to discipline or breach of orders, shall be composed of officers serving in any or all of those corps (as they may be most conveniently assembled), and they are to take rank according to their commissions.

IN like manner also, the officers of our three regiments of foot guards shall, for similar purposes, of themselves compose courts-martial, and take rank according to their commissions.

148. ALL courts-martial arising out of disputes between our life guards or horse guards and our foot guards, or between either of those corps of guards and any of our other forces, or different corps of our other forces, shall be equally composed of officers belonging to the corps in which the parties complaining and complained of do then serve; —— and the president shall be taken by turns as nearly as our service will with convenience admit, beginning first by an officer of one of our regiments of life guards, and so on in course out of the other corps, according to the seniority in rank of such corps respectively.

149. WHEN any proportion of our regiments of life guards, horse guards, or foot guards shall be serving on detached

duty, offenders belonging thereto shall be tried by courts-martial to be assembled by any governor or commander of a district, garrison, fort, castle, or barrack, and to be composed of officers of different corps, provided that no less than a moiety of the officers shall belong to our life guards, horse guards, or foot guards respectively, if so many are on the same duty, or can be conveniently assembled.

150. THE officers of artillery shall, for differences arising amongst themselves, or in matters relating solely to their own corps, have courts-martial composed of their own officers; —— but where a sufficient number of such officers cannot be assembled, or in matters wherein other corps are interested, they shall sit in courts-martial with the officers of our other corps, taking rank according to their commissions.

151. NO officer serving in the militia shall sit in any court-martial upon the trial of any officer or soldier serving in any of our other forces; —— nor shall any officer in our other forces sit in any court-martial upon the trial of any officer or soldier serving in the militia.

PROCEEDINGS.

152. IN all trials by courts-martial, as soon as the president and other officers appointed to serve thereon shall be assem-

bled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers; —— and if the prisoner shall then object to the president, such objection, unless disallowed by two thirds at least of the other officers appointed to form the court, shall be referred to the decision of the authority by whom such president shall have been appointed; —— but if he object to any officer other than the president, such objection shall be decided by the president and the other officers appointed to form the court; —— and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall have been made or allowed, or if no challenge shall have been made, or if made not allowed, the president and other officers composing a general court-martial shall take the following oath before the judge advocate or person officiating as such; —— and on trials by other courts-martial the same oath shall be administered by the president to the other members; —— and afterwards by any sworn member to the president:

YOU shall well and truly try and determine according to the evidence in the matter now before you.

So help you GOD.

You shall duly administer justice, according to the rules and articles for the better government of Her Majesty's forces, and according to an Act now in force for the punishment of mutiny and desertion, and other crimes therein mentioned, without partiality, favour, or affection; and if any doubt shall arise, which is not explained by the said Articles or Act, then according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, or a court-martial, in due course of law.

So help you GOD.

AND as soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge advocate or person officiating as such at courts-martial an oath in the following words:

I A.B. *do swear that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, or a court-martial, in due course of law; and that I will not, unless it be necessary for the due*

discharge of my official duties, disclose the sentence of the court until it shall be duly approved. So help me GOD.

THE president shall then administer the following oath to any officer who may be in attendance for instruction, in accordance with the Queen's Regulations, viz.:

I A.B. *do swear, that I will not, under any circumstances whatever, disclose the vote or opinion of any member of this court, and that I will not disclose the finding or sentence of the court before the same is duly promulgated.*

153. EVERY person, as well civil as military, who may be required to give or produce evidence before a court-martial shall, in the case of a general court-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate ;—— and in the case of all other courts-martial by the president of the court ;—— and all persons who give evidence before any court-martial, other than those who are by law empowered to make a solemn affirmation, are to be examined upon oath in the following words:

THE evidence which you shall give before this court shall be the truth, the whole truth, and nothing but the truth.

So help you GOD.

*154. AFTER any person subject to these articles has been found guilty by court-martial of any offence, the court

may, for the purpose of assisting their discretion in awarding punishment for the offence, receive evidence of former convictions against the prisoner, whether convictions by court-martial or convictions by a court of ordinary criminal jurisdiction.——The court, however, shall not in any case award any other punishment than may be legally awarded for the particular offence of which the prisoner has been found guilty.

155. ANY previous conviction by court-martial may be proved by the entry thereof in the court-martial book or defaulter book, or by certified copy of such entry.

156. ANY previous conviction by a court of ordinary criminal jurisdiction may be proved by production of the certificate provided for in the 39th section of the Mutiny Act, or by certified copy of such certificate, or by the entry of such conviction in the court-martial book or defaulter book, or by certified copy of such entry.——No entry of a conviction by a court of ordinary criminal jurisdiction shall be made in the court-martial book or defaulter book, except upon such certificate as aforesaid.

157. EVERY judge advocate or person officiating as such at a general court-martial shall transmit, with as much expedition as may be, the original proceedings, and sentence thereof, to the

Judge Advocate General in London, in whose office they shall be carefully preserved:—— And the president of every district or garrison court-martial shall in like manner transmit the proceedings and sentence thereof:—— But the proceedings of district and garrison courts-martial need not be preserved after the expiration of a period of three years from the date of their deposit in the office of the Judge Advocate General.

158. ANY person tried by a general, district, or garrison court-martial, or any person on his behalf, shall be entitled, on demand made within the space of three years from the date of the final decision on the proceedings, to a copy of such proceedings and sentence (paying for the same at the rate of fourpence per folio of seventy-two words), whether such sentence shall be approved or not, as soon after the receipt of the proceedings at the office of the Judge Advocate General as such copy can conveniently be supplied.

159. NO person acting as prosecutor or being a witness for the prosecution shall also act as judge advocate at a trial.

160. TRIALS shall be held between the hours of *eight* in the morning and *four* in the afternoon, except in India, where trials may be held between the hours of *six* in the morning and *four* in the afternoon:——

PROVIDED, that if the court considers it necessary, they may continue any trial beyond the hour of *four* in the afternoon, recording in the proceedings their reason for so doing:——

PROVIDED also, that in cases requiring an immediate example, or when the general or other officer commanding any body of troops shall certify under his hand that the same is expedient for the public service, trials may be held at any hour.

WHEN it shall appear to the officer convening a court-martial, either before or after the assembling of the court, that it is desirable that the court or some members thereof should have a view of any place in order to their better understanding the evidence that may be given upon the trial, such officer may direct the court, or so many members thereof as he shall think fit, to view such place.

NO person shall use menacing words, signs, or gestures in presence of a court-martial; —— or shall cause any disorder or riot, so as to disturb the proceedings of the court, or shall commit any other contempt of the said court, under the penalty, if an officer or soldier, of being punished at the discretion of the said court, or by a court of superior power, and if a civilian, of being taken before a civil magistrate to be punished according to law. 161.

ALL the members of a court-martial are to behave with decency; —— to 162.

take their seats according to rank, and not quit them without permission of the president; —— who will clear the court on any discussion; —— and in case of intemperate words used by any member of the court, direct the same to be taken down in writing, and reported to the officer ordering the court-martial to assemble; —— no reproachful words are to be used to witnesses or prisoners; —— and the president is hereby held responsible that every person attending such court be treated with proper respect; —— and in taking the votes of the court, the president shall begin by that of the youngest member.

163. NO person who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; —— and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

PROVOST MARSHALS.

164. FOR the prompt and instant repression of all irregularities and crimes abroad which may be committed by troops in the field and on the line of march, provost marshals shall be appointed by us,

or by our commander of the forces, or general commanding, and their powers shall be regulated according to the established usages of war and rules of our service, being limited to the punishment of offenders whom they may detect in the actual commission of any crime; —— the general commanding our forces in the field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of our army and the public service; —— their duties are to take charge of prisoners confined for offences of a general description; —— to preserve good order and discipline; —— to prevent breaches of both, by soldiers and followers of the army, and to punish on the spot, or the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline;—— provided that the punishment be limited to the necessity of the case, and shall accord with the orders which the provost may from time to time receive from our commander of the forces in the field, and that whatever may be the crime, the provost marshal or his assistants shall see the offender commit the act for which summary punishment may be inflicted, or if the provost marshal or his assistants should not see the offender actually commit the crime,

but that sufficient proof can be established of the offender's guilt, a report shall be made to the commander of our army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

BOARDS AND COURTS OF INQUIRY.

165. FOR the purpose of securing a provision for life to the officers of our army who have sustained serious and permanent injury by wounds received in action with an enemy, according to our rules and regulations for granting pensions to wounded officers, — it is our will and pleasure, that when the state of the officer's wound shall be such as to require him to be inspected by a military medical board, convened by our order through our Secretary of State for War; —— such board shall be composed of not more than five nor less than three medical officers, and where three surgeons or medical officers of higher rank are not available, the board may be composed of one surgeon or medical officer of higher rank, and of two assistant surgeons of not less than six years service: —— the proceedings of the board in the inspection of wounded officers, and in certain cases of officers retiring on full or half pay, shall be conducted as follows: —— The senior

medical officer shall act as president, and shall himself make, and require each member to make, the following declaration in presence of the officer whose case is under inquiry: ——

I A.B. *do declare, upon my honour, that I will duly and impartially inquire into and give my opinion on the case of the officer now before this board, according to the true spirit and meaning of Her Majesty's orders and regulations, and the instructions issued by Her Majesty's orders on this head:—— AND I further declare, upon my honour, that I will not, on any account or at any time, disclose or discover my own vote or opinion, or that of any particular member of the board, unless required to do so by competent authority.*

THESE boards will either have for their president, or report their proceedings to, the director general of the army medical department, who will transmit the report, for our decision, to our Commander-in-Chief or Secretary of State for War, as the case may require.

IN order to secure to the deserving soldier, when discharged, a provision proportioned to the length and nature of his service, and to enable our commissioners of Chelsea Hospital to carry into full effect our rules and regulations for the pensioning of soldiers, — we do hereby order *166.

that when a soldier shall be discharged, whether for unfitness, or for any other cause, his services, conduct, character, and the cause of the discharge, shall be ascertained before a regimental board, to be held for the purpose of verifying and recording all these necessary particulars in the discharge, on which document the decision of our commissioners of Chelsea Hospital on the soldier's claim to pension will be made. —— The board shall be composed, in all cases, of *three* officers; —— the second in command shall be the president, and the two next senior officers on the spot shall be members; —— and all military persons who may be summoned by the president thereof are directed to attend and give information to the board on the subject of their inquiry: —— Such board is not competent to award any punishment or forfeiture of service, their duty being restricted to the faithful and impartial record of the soldier's services and conduct at the close of his military career; —— and they will be governed in this their duty by a reference to our rules, orders, and regulations for the pensioning of soldiers, which regulations shall be produced before the board whenever it is assembled: —— When the board is assembled, the president and members thereof shall severally make the following declaration in the presence of the soldier whose case is under inquiry: ——

I A.B. *do declare, upon my honour, that I will duly and impartially inquire into the matters to be brought before this board, according to the rules and regulations of Her Majesty's service, and if any doubt shall arise, according to my conscience, the best of my understanding, and the custom of the service in like cases.*

167. IF any soldier shall have been illegally absent from his duty for the space of *twenty-one days*, a court of inquiry of *three* officers shall forthwith assemble, who are hereby empowered to examine witnesses upon oath respecting the fact of such absence, and the deficiency, if any, in the articles of his kit;——and, having received proof on oath of the facts, they shall declare such absence and the period thereof, and the deficiency, if any, in the articles of his kit, and the officer commanding the corps shall enter a record of such absence, and of such deficiency in his kit, and of the declaration of such court of inquiry thereon, in the regimental books;——and if such soldier should not afterwards surrender or be apprehended, such record shall have the legal effect of a conviction for desertion;—— and if such soldier should surrender or be apprehended after such record shall have been so entered, such record, or a copy thereof, purporting to bear the signature of the officer having the custody of the regimental books, shall, on the trial of such soldier, be admissible in evidence of the facts

therein recorded;—— and on proof of the identity of the prisoner with the soldier therein mentioned, he may be found guilty of the charge or charges; —— and if he be convicted of desertion, the sentence of any such court shall be inserted in the soldier's discharge.

FORFEITURE OF PAY, SERVICE, MEDALS, ANNUITIES, GRATUITIES, PENSIONS, &c.

168. EVERY soldier found guilty by a court-martial of the following offences:—

Desertion:

Wilfully maiming or injuring himself or any other soldier, whether at the instance of such other soldier or not,—or causing himself to be maimed or injured by any other person,—with intent thereby to render himself, or such other soldier, unfit for service:

Tampering with his eyes, with intent thereby to render himself unfit for service:

Such finding having been confirmed; ——

AND every soldier who may have been sentenced to penal servitude,—or who has been discharged with ignominy; ——

AND every soldier who has been found guilty of felony in any court of

ordinary criminal jurisdiction in England or Ireland,— or of any crime or offence in any court of criminal judicature in any part of the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by Her Majesty out of the United Kingdom, — which would, if committed in England, amount to felony; ——

SHALL thereupon forfeit all advantage as to good-conduct pay, and pension on discharge, which might have otherwise accrued from the length of his former service; ——

ALSO, all medals and decorations whatsoever which he may be in possession of and authorized to wear, together with the annuity or gratuity, if any, thereto appertaining.

ANY soldier who shall have forfeited the whole or any part of his service towards pay and pension, either upon conviction or sentence as aforesaid, or by sentence of a court-martial, or upon his trial for desertion being dispensed with, may, if he shall have subsequently performed good, faithful, or gallant services in our army, on the same being duly certified by our Commander-in-Chief, be eligible to be restored to the benefit of the whole or of any part of his service; —— and should the restoration be approved by us, our 169.

order for the same will be signified to our Commander-in-Chief through our Secretary of State for War.

170. NO soldier shall be entitled to pay or to reckon service towards pay or pension when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession, or under any charge on which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt.

171. NO soldier shall be entitled to pay, or to reckon service towards pay or pension, during the period of his absence as a prisoner of war; —— but upon rejoining our service due inquiry shall be made by a court-martial, and unless it shall be proved to the satisfaction of such court that the said soldier was taken prisoner through wilful neglect of duty on his part, or that he had served with, or under, or in some manner aided the enemy, or that he had not returned as soon as possible to our service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay or a proportion thereof, and to reckon service during his absence.

172. ANY soldier who shall be convicted of desertion shall forfeit his pay and service for the day or days during which he was in a state of desertion, and any soldier

who enlisted, re-enlisted, or re-engaged subsequently to the passing of the Army Enlistment Act of 1867, *or subsequently to its promulgation in general orders at a foreign station*, shall, if convicted, also forfeit his pay and service for the day or days of his absence exceeding five without leave.

ANY soldier who enlisted, re-enlisted, or re-engaged *subsequently to the passing of the Army Enlistment Act of* 1867, *or subsequently to its promulgation in general orders at a foreign station*, and has been imprisoned by order of his commanding officer, shall forfeit his pay and service for any day or days during which he shall have been so imprisoned; —— subject, however, to the right of appeal given in such cases by these articles. 173.

ANY soldier shall be liable,—at the discretion of his commanding officer, subject, however, to the right of appeal given in such cases by these articles,—to forfeit his pay for any day or days, not exceeding five, during which he shall have been absent without leave. 174.

OUR Secretary of State for War may order or withhold the payment of the whole or of any part of the pay of any officer or soldier which by these articles has been rendered subject to forfeiture by reason of absence from duty for any of the causes aforesaid. 175.

OUR Secretary of State for War may also withhold the pay of any officer or 176.

soldier for any period during which such officer or soldier shall be absent without leave, or improperly absent from his corps and from his duty.

177. OUR Secretary of State for War may also withhold a portion, not exceeding sixpence, of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, if it shall appear to his satisfaction that such soldier has deserted his wife or any of his legitimate children under fourteen years of age, or left them in destitute circumstances without reasonable cause;——and our Secretary of State may allot the pay thus withheld to the maintenance of such wife or children in such manner as he may think fit.

178. IN case of any doubt whatever as to the proper issue of pay, it may be withheld until our orders respecting it shall have been signified by our Secretary of State for War.

179. IF any soldier being on board ship commits any act of misconduct, his commanding officer may deprive him, for a period not exceeding twenty-eight days, of his ration of wine or spirits or malt liquor, or of his ration of sugar and tea, or any other substitute issuable to him in lieu of such ration of wine or spirits or malt liquor, —— or may sentence such soldier, if he elect to take up neither his ration of wine or spirits or malt liquor, or

his ration of sugar and tea, or any substitute issuable to him in lieu thereof, to forfeit one penny a day of his pay for a period not exceeding twenty-eight days.

SECTION IV.

RANK.

ALL officers doing duty with their regiments only shall take rank according to the dates of their commissions in such regiments; —— but when serving together with officers of other corps, each shall take rank according to his brevet or date of any former commission. 180.

WHEN our regiments of life guards and horse guards shall do duty together, the eldest officer by commission shall command the whole, regard being always had to the respective ranks of those corps, and the posts they usually occupy; —— and if any of our life guards, horse guards, or foot guards shall be serving with any of our other troops, the eldest officer by commission, without respect to corps, shall take upon him the command of the whole. 181.

WHENEVER our regiments of life guards, or detachments from the same, 182.

shall do duty together, unmixed with other corps, they are to be considered as one corps, and the officers are to take rank and do duty according to the dates of their commissions.

183. AND when our regiments of foot guards, or detachments from our said regiments, shall do duty together, unmixed with other corps, they shall be considered as one corps, and the officers shall take rank and do duty according to the commissions by which they are mustered.

184. THE officers in the late East India Company's service and in our Indian army shall take rank with the officers of our forces according to the dates of the commissions held by them respectively from us, or from authorities duly deputed by us.

185. ALL colonels serving by commissions signed by us or by our general commanding in chief in North America, when employed in any duty in conjunction with general officers or colonels serving there by commissions from any of our civil authorities in the country, shall have precedence of such provincial officers, although their commissions be of elder date;——and in like manner all officers, below the degree of colonel, having commissions signed by us, shall have precedence of such provincial officers of equal rank, though their commissions be of elder date.

OFFICERS of our regular forces, and also officers of our militia and fencible forces who take rank with officers of our regular forces as the youngest of their degree, shall have precedence of and command the officers of equal degree serving in our yeomanry cavalry and volunteer corps; —— and the officers of our yeomanry cavalry and volunteer corps shall rank together according to the dates of their respective commissions, except in cases where we may otherwise specially direct. 186.

SECTION V.

APPLICATION OF THE ARTICLES.

ALL the provisions of these articles shall apply to every person who is or shall be commissioned or in pay as an officer, or who is or shall be attested or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service, receiving pay in respect of such service; —— and to persons who are or shall be hired to be employed in our royal artillery, royal engineers, and to master gunners, and to conductors of 187.

stores, and to the corps of royal military surveyors and draughtsmen, and to all officers and persons who are or shall be serving in the Control Department, and to officers and soldiers serving in the army hospital corps, or in the army service corps, and to persons in the War Department, who are or shall be serving with any part of our forces, at home or abroad, under the command of any commissioned officer; —— and (subject to and in accordance with the provisions of statute of sixth and seventh Victoria, chapter ninety-five,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who, having volunteered their services for that purpose, shall be kept on duty in any fort, town, or garrison; —— and to all civil officers who are or shall be employed by or act under our Secretary of State for War at any of our establishments in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; —— and to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains

of artillery, or as master gunners or gunners, or as conductors of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners or pioneers, or as military surveyors or draughtsmen, or in the ordnance or public works or commissariat departments; —— and to all storekeepers, and other civil officers employed under the ordnance; —— and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces; —— and to all licensed suttlers, and all followers in or of any of the said forces.

188. IN construing these articles, the word "regiment" may be deemed to include other branches of the service than those which are strictly regimental, and the provisions relating to regiments may be applied to such other branches; —— the words "Commander-in-Chief" shall be taken to include the field marshal or other officer commanding in chief our forces for the time being; the word "month" shall be taken to mean "lunar month," and the word "year" to mean "calendar year;" the word "district" shall in India be deemed to include a division, field force, or district directly subject to the command of the general commanding in chief the troops of the presidency; "one penny"

shall in India be construed to mean "eight pies."

189. NO person subject to the Mutiny Act shall be sentenced to suffer any punishment extending to life or limb, or to be kept in penal servitude, by virtue of these our Articles of War, except for such crimes as are expressly declared by the Mutiny Act to be so punishable.

190. THE officers and soldiers of any troops, being mustered and in pay abroad, which are or shall be raised or serving in any of our dominions abroad, or in countries or places in possession of or occupied by our subjects or any of our forces; —— shall at all times, and in all places, when joined or acting in conjunction with our forces; —— or under the command of any officer having a commission immediately from us; —— be subject to these our Articles of War, and shall be liable to be tried by courts-martial, in like manner as our forces are.

191. WHENEVER any of our forces shall be embarked on board our ships of war or any other ships which may have been regularly commissioned by us, and which may be employed in the transport of our troops; —— our will and pleasure is, that the officers and soldiers of such forces, from the time of embarkation

on board any ship as above described, shall strictly conform themselves to the laws and regulations established for the government and discipline of the said ship, and shall consider themselves, for these necessary purposes, under the command of the senior officer of the particular ship, as well as of the superior officer of the fleet (if any) to which such ship belongs.

192. THE second section of these our Articles of War is to be read and published *once* in every *three months* at the head of every corps in our service, together with the following articles in the other sections, which are marked with an asterisk; viz.

4.	118.	135.
5.	119.	136.
8.	126.	137.
13.	127.	140.
21.	129.	154.
22.	130.	166.
23.	131.	
29.	132.	

ALSO the following notice:—

Under the existing law, any person who shall maliciously and advisedly endeavour to seduce any person or persons serving in Her Majesty's forces by sea or land from his or their duty and allegiance to Her Majesty, — or to incite or stir up any such person or persons to commit any act of

mutiny, — or to make or endeavour to make any mutinous assembly, — or to commit any traitorous or mutinous practice whatsoever, may on being legally convicted of such offence be sentenced to penal servitude for the term of the natural life of such person.

V. R.

ALTERATIONS

IN THE

MUTINY ACT AND ARTICLES OF WAR.

N.B.—*The Sections, &c. are printed as they are altered; the Words left out being struck through, and the additional Words printed in Italics.*

Mutiny Act.

PREAMBLE.

" And whereas it is adjudged necessary by Her Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of ~~one hundred and thirty-three thousand six hundred and forty-nine men, including an average number of six thousand one hundred and eighty-five, all ranks, to be employed with the depôts in the United Kingdom of Great Britain and Ireland of regiments serving in Her Majesty's Indian possessions,~~ *one hundred and twenty-eight thousand nine hundred and sixty-eight men, including those to be employed at the depôts in the United Kingdom of Great Britain*

Number of men to consist of 128,968, including those employed at depôts in United Kingdom, but exclusive of those actually serving in India.

and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions."

34.

Apprehension of deserters in the United Kingdom.

"and every gaoler and other person into whose custody any person charged with desertion is committed shall immediately upon the receipt of the person so charged into his custody pay such fee of two shillings, and ~~also upon the production of a receipt from the medical practitioner who, in the absence of a military medical officer, may have been required to examine such suspected person, a fee of two shillings and sixpence, and~~ shall notify the fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a copy of the commitment, to the end that such Secretary of State may order repayment of such fees."

40.

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for not maintaining their families, or for breach of contract.

"but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority what-

soever, for any original debt not amounting to thirty pounds, ~~or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargable to any parish, township, or place, or to the common fund of any union, any relation or child which such soldier or person might, if not in Her Majesty's service, be compellable by law to relieve or maintain, or for neglecting to pay to the mother of any bastard child, or to any person who may have been appointed to have the custody of such child, any sum to be paid in pursuance of an order on that behalf,~~ or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described."

60.

Authorised deductions only to be made from the pay of the army.

"NO Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and seventy-~~two~~

three, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's regulations or Articles of War."

75.

Marching money on discharge.

"EVERY soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home, shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence, ~~such place not being at a greater distance from the place of his discharge than~~ (*if the cost of conveyance to such place shall not exceed the cost of conveyance to* the place of his original enlistment): Provided that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces."

90.

Recovery of penalties.

"and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in

Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. *In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices, or the court imposing such penalty or forfeiture.*"

102.

[*Alterations in dates only.*]

107.

"*NOTWITHSTANDING anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier, but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth*

Liability of soldier to maintain wife and children.

year of the reign of King George the Fourth, chapter eighty-three, intituled 'An 'Act for the punishment of idle and dis- 'orderly persons and rogues and vagabonds 'in that part of Great Britain called 'England,' or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union, nor shall he in Ireland be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled 'An Act to make provision for the pu- 'nishment of vagrants and persons offend- 'ing against the laws in force for the 'relief of the destitute poor in Ireland,' for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

"When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or

children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled 'An Act to amend the law enabling 'Boards of Guardians to recover costs of 'maintenance of illegitimate children in 'certain cases in Ireland,' or when any order or decree has been made on or against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of one of Her Majesty's Principal Secretaries of State, and the said Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

"Where a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament,

for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the United Kingdom of the body of troops to which the soldier belongs."

SCHEDULES.

New forms are given for DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS, and for DESCRIPTION RETURN of a DESERTER apprehended, &c.

Articles of War.

SECTION II.

CRIMES AND PUNISHMENTS.

DESERTION, AND ABSENCE WITHOUT LEAVE.

"but any such soldier, if he shall have subsequently performed good, faithful, or gallant services in our army, may, on the same being duly certified by our Commander-in-Chief, be eligible to be restored to the benefit of the whole or of any part of his ~~former~~ service; and should the restoration be approved by us, our order for the same will be signified through our Secretary of State for War." 47. p. 310.

SECTION III.

COURTS-MARTIAL.

COMPOSITION OF COURTS-MARTIAL.

"THE commissioned officers of every regiment, battalion, *brigade*, or regimental depôt, or of a detachment of ordnance corps, or of the Army Service Corps, commanded by an officer not under the rank of captain, may, by the appointment of their 112. p. 336.

colonel or commanding officer, without other authority than these our Rules and Articles of War, hold *regimental* courts-martial consisting of not less than *five* officers (unless it be found impracticable to assemble that number, when *three* shall be sufficient);—— and may inquire into such disputes or criminal matters as may come before them;—— and the commanding officer shall in no case be a member of such court.

~~"WHEN the depot of a regiment or battalion is attached for duty to another regiment or battalion, the officers of both such depôt and of the regiment or battalion to which it is attached, shall be deemed to be officers of one and the same regiment for the purposes of the trial by regimental court-martial of prisoners belonging either to such regiment or battalion, or any depot attached thereto.~~

"*WHEN any portion of a regiment or battalion is attached for duty to another regiment or battalion, the officers and men of both such regiments or battalions shall be deemed to belong to one and the same regiment for all purposes of trials by regimental court-martial.*"

POWERS OF COURTS-MARTIAL.

134. p. 348. "WHEN any person subject to these articles has been sentenced by a court-martial to stoppages of pay, it shall be

lawful for our Commander-in-Chief, with the concurrence of our Secretary of State for War, *or for the Commander-in-Chief of our Forces in India, with the concurrence of the Government of India, or for the Commander-in-Chief of our Forces in each of the Presidencies in India, with the concurrence of the local government,* to remit the whole or any portion of such stoppages in any case where such remission may appear to be conducive to the good of our service."

PROCEEDINGS.

"AND as soon as the said oaths shall have been administered to the respective members, the president of the court shall administer to the judge advocate or person officiating as such at courts-martial an oath in the following words: 152. p. 359.

"I *A.B.* do swear that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, or a court-martial, in due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved. So help me GOD.

"*THE president shall then administer the following oath to any officer who*

may be in attendance for instruction, in accordance with the Queen's Regulations, viz.:

"*I* A.B. *do swear that I will not, under any circumstances whatever, disclose the vote or opinion of any member of this court, and that I will not disclose the finding or sentence of the court before the same is duly promulgated.*"

BOARDS AND COURTS OF INQUIRY.

167. p. 371. "and if such soldier should surrender or be apprehended after such record shall have been so entered, such record, or a copy thereof, purporting to bear the signature of the officer having the custody of the regimental books, shall, on the trial of such soldier, ~~on a charge for desertion, or on charges of desertion, and losing or making away with articles of his kit,~~ be admissible in evidence of the facts therein recorded;—— and on proof of the identity of the prisoner with the soldier therein mentioned, he may be found guilty of the charge or charges; ——and if he be convicted of desertion, the sentence of any such court shall be inserted in the soldier's discharge."

FORFEITURE OF PAY, ETC.

177. p. 376. "OUR Secretary of State for War may also withhold a portion, not exceeding *sixpence, of the daily pay of a non-commissioned officer who is not below the rank of*

sergeant, and not exceeding threepence ~~for each day~~ of the daily pay of any *other* soldier, if it shall appear to his satisfaction that such soldier has deserted his wife or any of his legitimate children under fourteen years of age, or left them in destitute circumstances without reasonable cause; —— and our Secretary of State may allot the pay thus withheld to the maintenance of such wife or children in such manner as he may think fit.

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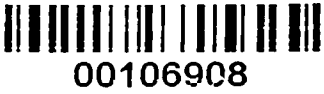

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